



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART V

#### QUESTIONING AND TREATMENT OF PERSONS BY POLICE

#### 65 Part V—supplementary.

[<sup>F1</sup>(1)] In this Part of this Act—

[<sup>F2</sup> “analysis”, in relation to a skin impression, includes comparison and matching; ]

“appropriate consent” means—

- (a) in relation to a person who [<sup>F3</sup>has attained the age of 18 years], the consent of that person;
- (b) in relation to a person who has not attained that age but has attained the age of 14 years, the consent of that person and his parent or guardian; and
- (c) in relation to a person who has not attained the age of 14 years, the consent of his parent or guardian;

[<sup>F4</sup>“DNA profile” means any information derived from a DNA sample;

“DNA sample” means any material that has come from a human body and consists of or includes human cells;]

[<sup>F5</sup> “extradition arrest power” means any of the following—

- (a) a Part 1 warrant (within the meaning given by the Extradition Act 2003) in respect of which a certificate under section 2 of that Act has been issued;
- (b) section 5 of that Act;
- (c) a warrant issued under section 71 of that Act;
- (d) a provisional warrant (within the meaning given by that Act)];

<sup>F6</sup>  
...

[<sup>F7</sup> “fingerprints”, in relation to any person, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of—

- (a) any of that person’s fingers; or

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(b) either of his palms;]

[<sup>F8</sup>“intimate sample” means—

(a) a sample of blood, semen or any other tissue fluid, urine or pubic hair;

(b) a dental impression;

(c) [<sup>F9</sup>a swab taken from any part of a person's genitals (including pubic hair) or from a person's body orifice other than the mouth;]

[<sup>F10</sup>“intimate search” means a search which consists of the physical examination of a person’s body orifices other than the mouth;]

[<sup>F11</sup>“non-intimate sample” means—

(a) a sample of hair other than pubic hair;

(b) a sample taken from a nail or from under a nail;

(c) [<sup>F12</sup>a swab taken from any part of a person's body other than a part from which a swab taken would be an intimate sample;]

(d) saliva;

(e) [<sup>F13</sup>a skin impression;]

[<sup>F14</sup>“offence”, in relation to any country or territory outside England and Wales, includes an act punishable under the law of that country or territory, however it is described;]

<sup>M1</sup>[<sup>F15</sup>“registered dentist” has the same meaning as in the Dentists Act 1984;

[<sup>F16</sup>“registered health care professional” means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State;]

[<sup>F17</sup>“the responsible chief officer of police”, in relation to material to which section 63D or 63R applies, means the chief officer of police for the police area—

(a) in which the material concerned was taken, or

(b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken;

“section 63D material” means fingerprints or DNA profiles to which section 63D applies;]

[<sup>F18</sup>“skin impression”, in relation to any person, means any record (other than a fingerprint) which is a record “ in any form and produced by any method) of the skin pattern and other physical characteristics or features of the whole or any part of his foot or of any other part of his body;]

“speculative search”, in relation to a person’s fingerprints or samples, means such a check against other fingerprints or samples or against information derived from other samples as is referred to in section 63A(1) above;

“sufficient” and “insufficient”, in relation to a sample, means [<sup>F19</sup>(subject to subsection (2) below)] sufficient or insufficient (in point of quantity or quality) for the purpose of enabling information to be produced by the means of analysis used or to be used in relation to the sample];

[<sup>F20</sup>“the terrorism provisions” means section 41 of the Terrorism Act 2000, and any provision of Schedule 7 to that Act conferring a power of detention; and

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“terrorism” has the meaning given in section 1 of that Act ];

[<sup>F21</sup>“terrorist investigation” has the meaning given by section 32 of that Act;]

<sup>F22</sup> . . . . <sup>F23</sup> . . . .

[<sup>F24</sup>(1A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(1B) An order under subsection (1) shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

[<sup>F25</sup>(2) References in this Part of this Act to a sample’s proving insufficient include references to where, as a consequence of—

- (a) the loss, destruction or contamination of the whole or any part of the sample,
- (b) any damage to the whole or a part of the sample, or
- (c) the use of the whole or a part of the sample for an analysis which produced no results or which produced results some or all of which must be regarded, in the circumstances, as unreliable,

the sample has become unavailable or insufficient for the purpose of enabling information, or information of a particular description, to be obtained by means of analysis of the sample.]

[<sup>F26</sup>(2A) In subsection (2), the reference to the destruction of a sample does not include a reference to the destruction of a sample under section 63R (requirement to destroy samples).

(2B) Any reference in sections 63F, 63H, 63P or 63U to a person being charged with an offence includes a reference to a person being informed that the person will be reported for an offence.]

[<sup>F27</sup>(3) For the purposes of this Part, a person has in particular been convicted of an offence under the law of a country or territory outside England and Wales if—

- (a) a court exercising jurisdiction under the law of that country or territory has made in respect of such an offence a finding equivalent to a finding that the person is not guilty by reason of insanity; or
- (b) such a court has made in respect of such an offence a finding equivalent to a finding that the person is under a disability and did the act charged against him in respect of the offence.]

#### Textual Amendments

- F1** S. 65 renumbered as s. 65(1) (1.1.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), [ss. 80\(5\)](#), [138\(2\)](#); [S.I. 2002/3032](#), [art. 2\(b\)](#)
- F2** Words in s. 65(1) inserted (1.1.2003) by [2001 c. 16](#), [s. 80\(5\)\(a\)](#); [S.I. 2002/3032](#), [art. 2\(b\)](#)
- F3** Words in s. 65(1) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 73\(4\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 2](#), [Sch. para. 22](#)
- F4** Words in s. 65(1) inserted (31.10.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), [ss. 18\(2\)\(a\)](#), [120](#) (with [s. 97](#)); [S.I. 2013/1814](#), [art. 2\(d\)](#)
- F5** S. 65: definition of "extradition arrest power" inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), [ss. 169\(6\)](#), [221](#); [S.I. 2003/3103](#), [art. 2](#) (subject to savings in Order (as amended by [S.I. 2003/3312](#), [art. 2\(2\)](#) and [S.I. 2003/3258](#), [art. 2\(2\)](#)))

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- F6** S. 65(1): definitions of "drug trafficking" and "drug trafficking offence" repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 457, 458(1)(3), **Sch. 12**; S.I. 2003/333, **art. 2(1)**, Sch. (as amended by S.I. 2003/531, arts. 3, 4)
- F7** S. 65(1): definition of "fingerprints" substituted (1.1.2003) by 2001 c. 16, s. 78(8); S.I. 2002/3032, **art. 2(a)**
- F8** Definition of "intimate sample" in s. 65 substituted (10.4.1995) by 1994 c. 33, **s. 58(2)**; S.I. 1995/721, **art. 2, Sch.**
- F9** S. 65(1): words in the definition of "intimate sample" substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 119(2)**, 178; S.I. 2005/1521, **art. 3(1)(g)**
- F10** Definition of "intimate search" in s. 65 inserted (10.4.1995) by 1994 c. 33, **s. 59(1)**; S.I. 1995/721, **art. 2, Sch.**
- F11** Definition of "non-intimate sample" substituted (10.4.1995) by 1994 c. 33, **s. 58(3)**; S.I. 1995/721, **art. 2, Sch.**
- F12** S. 65(1): words in the definition of "non-intimate sample" substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 119(3)**, 178; S.I. 2005/1521, **art. 3(1)(g)**
- F13** S. 65(1): words in the definition of "non-intimate sample" substituted (1.1.2003) by 2001 c. 16, s. 80(5)(b); S.I. 2002/3032, **art. 2(b)**
- F14** Words in s. 65(1) inserted (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 3(5)**, 59(1); S.I. 2011/414, **art. 2(b)**
- F15** Definitions of "registered dentist", "speculative search" and "sufficient" and "insufficient" in s. 65 inserted (10.4.1995) by 1994 c. 33, **s. 58(4)**; S.I. 1995/721, **art. 2, Sch.**
- F16** Definition of "registered health care professional" in s. 65 inserted (1.10.2002 for specified purposes otherwise 1.4.2003.) by Police Reform Act 2002 (c. 30), ss. {54(2)}, 108(2)-(5); S.I. 2002/2306, **art. 4(d)**; S.I. 2003/808, **art. 2(e)**
- F17** Words in s. 65(1) inserted (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), **ss. 18(2)(b)**, 120 (with s. 97); S.I. 2013/1814, **art. 2(d)**
- F18** S. 65(1): definition of "skin impression" inserted (1.1.2003) by 2001 c. 16, s. 80(5)(c); S.I. 2002/3032, **art. 2(b)**
- F19** S. 65(1): words in definition of "sufficient" and "insufficient" inserted (1.1.2003) by 2001 c. 16, s. 80(5)(d); S.I. 2002/3032, **art. 2(b)**
- F20** Definitions of "the terrorism provisions" and "terrorism" in s. 65 substituted (19.2.2001) by 2000 c. 11, s. 125, **Sch. 15 para. 5(10)** (with s. 129(1)); S.I. 2001/421, **art. 2**
- F21** Words in s. 65(1) inserted (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), **ss. 18(2)(c)**, 120 (with s. 97); S.I. 2013/1814, **art. 2(d)**
- F22** Word repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**
- F23** Words in s. 65(1) repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 457, 458(1)(3), **Sch. 12**; S.I. 2003/333, **art. 2(1)**, Sch. (as amended by S.I. 2003/531, arts. 3, 4)
- F24** S. 65(1A)(1B) inserted (1.10.2002 for specified purposes otherwise 1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 54(3)**, 108(2)-(5); S.I. 2002/2306, **art. 4(d)**; S.I. 2003/808, **art. 2(e)**
- F25** S. 65(2) inserted (1.1.2003) by 2001 c. 16, s. 80(6); S.I. 2002/3032, **art. 2(b)**
- F26** S. 65(2A)(2B) inserted (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), **ss. 18(3)**, 120 (with s. 97); S.I. 2013/1814, **art. 2(d)**
- F27** S. 65(3) inserted (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 3(6)**, 59(1); S.I. 2011/414, **art. 2(b)**

#### **Modifications etc. (not altering text)**

- C1** S. 65 applied with modifications: by S.I. 1985/1882, **art. 10**; (1.2.1997) by S.I. 1997/15, **art. 2(1)**, **Sch.**  
 S. 65 applied (with modifications) (31.12.2006) by The Police and Criminal Evidence Act 1984 (Application to the Armed Forces) Order 2006 (S.I. 2006/2015), arts. 2, 3, **Schs. 1-3**
- C2** S. 65 applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)

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**C3** S. 65(2A) modified (12.2.2019 for specified purposes) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(1)(g), **Sch. 3 para. 36(2)** (with s. 25(9))

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**Marginal Citations**

**M1** 1984 c. 24.

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