

Status: Point in time view as at 13/08/2020.

Changes to legislation: Terrorism Act 2000, Paragraph 10 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 8

DETENTION

Modifications etc. (not altering text)

- C1** Schs. 7, 8, 14 extended (with modifications) (coming into force in accordance with art. 1(2) of the extending S.I.) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), [art. 11\(1\)\(b\)](#), Sch. 2; (as amended (31.3.2021) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) \(Amendment\) Order 2021 \(S.I. 2021/311\)](#), arts. 1(2), [2\(7\)\(b\)\(i\)](#))
- C1** Sch. 8 applied (with modifications) (25.7.2006) by [Terrorism Act 2006 \(c. 11\)](#), [s. 25\(1\)\(3\)\(4\)](#); S.I. 2006/1936, [art. 2](#)

PART I

TREATMENT OF PERSONS DETAINED UNDER SECTION 41 OR SCHEDULE 7

Rights: England, Wales and Northern Ireland

- 10 (1) This paragraph applies where a person is detained in England, Wales or Northern Ireland under Schedule 7 or section 41.
- (2) Fingerprints may be taken from the detained person only if they are taken by a constable—
- (a) with the appropriate consent given in writing, or
 - (b) without that consent under sub-paragraph (4).
- (3) A non-intimate sample may be taken from the detained person only if it is taken by a constable—
- (a) with the appropriate consent given in writing, or
 - (b) without that consent under sub-paragraph (4).
- (4) Fingerprints or a non-intimate sample may be taken from the detained person without the appropriate consent only if—
- (a) he is detained at a police station and a police officer of at least the rank of superintendent authorises the fingerprints or sample to be taken, or
 - (b) he has been convicted of a recordable offence and, where a non-intimate sample is to be taken, he was convicted of the offence on or after 10th April 1995 (or 29th July 1996 where the non-intimate sample is to be taken in Northern Ireland).
- (5) An intimate sample may be taken from [F1a person detained under section 41, but only] if—
- (a) he is detained at a police station,

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- (b) the appropriate consent is given in writing,
 - (c) a police officer of at least the rank of superintendent authorises the sample to be taken, and
 - (d) subject to paragraph 13(2) and (3), the sample is taken by a constable.
- (6) [^{F2}Subject to sub-paragraph (6A)] an officer may give an authorisation under sub-paragraph (4)(a) or (5)(c) only if—
- (a) in the case of a person detained under section 41, the officer reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in section 40(1)(a), and the officer reasonably believes that the fingerprints or sample will tend to confirm or disprove his involvement, or
 - (b) in any case [^{F3}in which an authorisation under that sub-paragraph may be given] , the officer is satisfied that the taking of the fingerprints or sample from the person is necessary in order to assist in determining whether he falls within section 40(1)(b).
- [^{F4}(6A) An officer may also give an authorisation under sub-paragraph (4)(a) for the taking of fingerprints if—
- (a) he is satisfied that the fingerprints of the detained person will facilitate the ascertainment of that person’s identity; and
 - (b) that person has refused to identify himself or the officer has reasonable grounds for suspecting that that person is not who he claims to be.
- (6B) In this paragraph references to ascertaining a person’s identity include references to showing that he is not a particular person.]
- (7) If an authorisation under sub-paragraph (4)(a) or (5)(c) is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

Textual Amendments

- F1** Words in Sch. 8 para. 10(5) substituted (31.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 9 para. 6\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)
- F2** Words in Sch. 8 para. 10(6) inserted (14.12.2001) by [2001 c. 24, s. 89\(2\)](#)
- F3** Words in Sch. 8 para. 10(6)(b) inserted (31.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 9 para. 6\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)
- F4** Sch. 8 para. 10(6A)(6B) inserted (14.12.2001) by [2001 c. 14, s. 89\(2\)](#)

Modifications etc. (not altering text)

- C1** Sch. 8 para. 10(2) extended (N.I.) (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), ss. 30, 31, [Sch. 2 Pt. 2 para. 15](#)
- C2** Sch. 8 para. 10(3) extended (N.I.) (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), ss. 30, 31, [Sch. 2 Pt. 2 para. 18](#)

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