



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 10

#### POLICE POWERS

##### *Identification*

#### **89 Fingerprinting of terrorist suspects**

- (1) Schedule 8 to the Terrorism Act 2000 (c. 11) (persons detained under terrorism provisions) is amended as follows.
- (2) In paragraph 10, at the beginning of sub-paragraph (6) (grounds on which officer may authorise fingerprinting or taking of sample), insert “Subject to sub-paragraph (6A)”; and after that sub-paragraph insert—

“(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.”

- (3) In paragraph 20(2), for the subsection (2) substituted by way of modification of section 18 of the Criminal Procedure (Scotland) Act 1995 (c. 46) substitute—

“(‘) Subject to subsection (2A), a constable may take from a detained person or require a detained person to provide relevant physical data only if—

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- (a) in the case of a person detained under section 41 of the Terrorism Act 2000, he reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in section 40(1)(a) of that Act and he reasonably believes that the relevant physical data will tend to confirm or disprove his involvement; or
  - (b) in any case, he is satisfied that it is necessary to do so in order to assist in determining whether the person falls within section 40(1)(b).
- (2A) A constable may also take fingerprints from a detained person or require him to provide them if—
- (a) he is satisfied that the fingerprints of that person will facilitate the ascertainment of that person’s identity; and
  - (b) that person has refused to identify himself or the constable has reasonable grounds for suspecting that that person is not who he claims to be.
- (2B) In this section references to ascertaining a person’s identity include references to showing that he is not a particular person.”
- (4) For paragraph 20(3) substitute—
- “(3) Subsections (3) to (5) shall not apply, but any relevant physical data or sample taken in pursuance of section 18 as applied by this paragraph may be retained but shall not be used by any person except for the purposes of a terrorist investigation or for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution.
- (4) In this paragraph—
- (a) a reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences; and
  - (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.”

## **90 Searches, examinations and fingerprinting: England and Wales**

- (1) After section 54 of the Police and Criminal Evidence Act 1984 (c. 60) (searches of detained persons) insert—

### **“54A Searches and examination to ascertain identity**

- (1) If an officer of at least the rank of inspector authorises it, a person who is detained in a police station may be searched or examined, or both—
- (a) for the purpose of ascertaining whether he has any mark that would tend to identify him as a person involved in the commission of an offence; or

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- (b) for the purpose of facilitating the ascertainment of his identity.
- (2) An officer may only give an authorisation under subsection (1) for the purpose mentioned in paragraph (a) of that subsection if—
  - (a) the appropriate consent to a search or examination that would reveal whether the mark in question exists has been withheld; or
  - (b) it is not practicable to obtain such consent.
- (3) An officer may only give an authorisation under subsection (1) in a case in which subsection (2) does not apply if—
  - (a) the person in question has refused to identify himself; or
  - (b) the officer has reasonable grounds for suspecting that that person is not who he claims to be.
- (4) An officer may give an authorisation under subsection (1) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (5) Any identifying mark found on a search or examination under this section may be photographed—
  - (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (6) Where a search or examination may be carried out under this section, or a photograph may be taken under this section, the only persons entitled to carry out the search or examination, or to take the photograph, are—
  - (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this section by the chief officer of police for the police area in which the police station in question is situated;and section 117 (use of force) applies to the exercise by a person falling within paragraph (b) of the powers conferred by the preceding provisions of this section as it applies to the exercise of those powers by a constable.
- (7) A person may not under this section carry out a search or examination of a person of the opposite sex or take a photograph of any part of the body of a person of the opposite sex.
- (8) An intimate search may not be carried out under this section.
- (9) A photograph taken under this section—
  - (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (10) In subsection —
  - (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or

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(ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;

and

(b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.

(11) In this section—

(a) references to ascertaining a person's identity include references to showing that he is not a particular person; and

(b) references to taking a photograph include references to using any process by means of which a visual image may be produced, and references to photographing a person shall be construed accordingly.

(12) In this section “mark” includes features and injuries; and a mark is an identifying mark for the purposes of this section if its existence in any person's case facilitates the ascertainment of his identity or his identification as a person involved in the commission of an offence.”

(2) In section 61(4) of that Act (grounds on which fingerprinting of person detained at a police station may be authorised)—

(a) in paragraph (b), after “his involvement” insert “ or will facilitate the ascertainment of his identity (within the meaning of section 54A), or both ”;

(b) after that paragraph insert—

“but an authorisation shall not be given for the purpose only of facilitating the ascertainment of that person's identity except where he has refused to identify himself or the officer has reasonable grounds for suspecting that he is not who he claims to be.”

## **91 Searches, examinations and fingerprinting: Northern Ireland**

(1) After Article 55 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (searches of detained persons) insert—

### **“55A Searches and examination to ascertain identity**

(1) If an officer of at least the rank of inspector authorises it, a person who is detained in a police station may be searched or examined, or both—

(a) for the purpose of ascertaining whether he has any mark that would tend to identify him as a person involved in the commission of an offence; or

(b) for the purpose of facilitating the ascertainment of his identity.

(2) An officer may only give an authorisation under paragraph (1) for the purpose mentioned in sub-paragraph (a) of that paragraph if—

(a) the appropriate consent to a search or examination that would reveal whether the mark in question exists has been withheld; or

(b) it is not practicable to obtain such consent.

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- (3) An officer may only give an authorisation under paragraph (1) in a case in which paragraph (2) does not apply if—
- (a) the person in question has refused to identify himself; or
  - (b) the officer has reasonable grounds for suspecting that that person is not who he claims to be.
- (4) An officer may give an authorisation under paragraph (1) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (5) Any identifying mark found on a search or examination under this Article may be photographed—
- (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (6) Where a search or examination may be carried out under this Article, or a photograph may be taken under this Article, the only persons entitled to carry out the search or examination, or to take the photograph, are—
- (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this Article by the Chief Constable;
- and Article 88 (use of force) applies to the exercise by a person falling within sub-paragraph (b) of the powers conferred by the preceding provisions of this Article as it applies to the exercise of those powers by a constable.
- (7) A person may not under this Article carry out a search or examination of a person of the opposite sex or take a photograph of any part of the body of a person of the opposite sex.
- (8) An intimate search may not be carried out under this Article.
- (9) A photograph taken under this Article—
- (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (10) In paragraph (9)—
- (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;
- and
- (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.

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- (11) In this Article—
- (a) references to ascertaining a person’s identity include references to showing that he is not a particular person; and
  - (b) references to taking a photograph include references to using any process by means of which a visual image may be produced, and references to photographing a person shall be construed accordingly.
- (12) In this Article “mark” includes features and injuries; and a mark is an identifying mark for the purposes of this Article if its existence in any person’s case facilitates the ascertainment of his identity or his identification as a person involved in the commission of an offence.”
- (2) In Article 61(4) of that Order (grounds on which fingerprinting of person detained at a police station may be authorised)—
- (a) in sub-paragraph (b), after “his involvement” insert “ or will facilitate the ascertainment of his identity (within the meaning of Article 55A), or both ”; and
  - (b) after that sub-paragraph insert—
 

“but an authorisation shall not be given for the purpose only of facilitating the ascertainment of that person’s identity except where he has refused to identify himself or the officer has reasonable grounds for suspecting that he is not who he claims to be.”

## 92 Photographing of suspects etc.: England and Wales

After section 64 of the Police and Criminal Evidence Act 1984 (c. 60) insert—

### “64A Photographing of suspects etc.

- (1) A person who is detained at a police station may be photographed—
  - (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (2) A person proposing to take a photograph of any person under this section—
  - (a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed; and
  - (b) if the requirement is not complied with, may remove the item or substance himself.
- (3) Where a photograph may be taken under this section, the only persons entitled to take the photograph are—
  - (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this section by the chief officer of police for the police area in which the police station in question is situated;

and section 117 (use of force) applies to the exercise by a person falling within paragraph (b) of the powers conferred by the preceding provisions of this section as it applies to the exercise of those powers by a constable.

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- (4) A photograph taken under this section—
- (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (5) In subsection (4)—
- (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;and
  - (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.
- (6) References in this section to taking a photograph include references to using any process by means of which a visual image may be produced; and references to photographing a person shall be construed accordingly.”

### **93 Photographing of suspects etc.: Northern Ireland**

After Article 64 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) insert—

#### **“64A Photographing of suspects etc.**

- (1) A person who is detained at a police station may be photographed—
- (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (2) A person proposing to take a photograph of any person under this Article—
- (a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed; and
  - (b) if the requirement is not complied with, may remove the item or substance himself.
- (3) Where a photograph may be taken under this Article, the only persons entitled to take the photograph are—
- (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this Article by the Chief Constable;

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and Article 88 (use of force) applies to the exercise by a person falling within sub-paragraph (b) of the powers conferred by the preceding provisions of this Article as it applies to the exercise of those powers by a constable.

- (4) A photograph taken under this Article—
- (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (5) In paragraph (4)—
- (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;
- and
- (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.
- (6) References in this Article to taking a photograph include references to using any process by means of which a visual image may be produced; and references to photographing a person shall be construed accordingly.”

#### **94 Powers to require removal of disguises: England and Wales**

- (1) After section 60 of the Criminal Justice and Public Order Act 1994 (c. 33) insert—

##### **“60AA Powers to require removal of disguises**

- (1) Where—
- (a) an authorisation under section 60 is for the time being in force in relation to any locality for any period, or
  - (b) an authorisation under subsection (3) that the powers conferred by subsection (2) shall be exercisable at any place in a locality is in force for any period,
- those powers shall be exercisable at any place in that locality at any time in that period.
- (2) This subsection confers power on any constable in uniform—
- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
  - (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.



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- (3) If a police officer of or above the rank of inspector reasonably believes—
- (a) that activities may take place in any locality in his police area that are likely (if they take place) to involve the commission of offences, and
  - (b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this subsection,
- he may give an authorisation that the powers conferred by this section shall be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.
- (4) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—
- (a) have been committed in connection with the activities in respect of which the authorisation was given, or
  - (b) are reasonably suspected to have been so committed,
- he may direct that the authorisation shall continue in force for a further twenty-four hours.
- (5) If an inspector gives an authorisation under subsection (3), he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.
- (6) Any authorisation under this section—
- (a) shall be in writing and signed by the officer giving it; and
  - (b) shall specify—
    - (i) the grounds on which it is given;
    - (ii) the locality in which the powers conferred by this section are exercisable;
    - (iii) the period during which those powers are exercisable;and a direction under subsection (4) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.
- (7) A person who fails to remove an item worn by him when required to do so by a constable in the exercise of his power under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.
- (8) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if references to a locality or to a locality in his police area were references to any locality in or in the vicinity of any policed premises, or to the whole or any part of any such premises.
- (9) In this section “British Transport Police Force” and “policed premises” each has the same meaning as in section 60.
- (10) The powers conferred by this section are in addition to, and not in derogation of, any power otherwise conferred.
- (11) This section does not extend to Scotland.”

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(2) In section 60A(1) of that Act (retention of things seized under section 60), after “section 60” insert “ or 60AA ”.

(3) <sup>F1</sup> .....

#### Textual Amendments

**F1** S. 94(3) repealed (1.10.2002) by **Police Reform Act 2002 (c. 30)**, s. 107, **Sch. 8**; S.I. 2002/2306, **art. 2**

## 95 Powers to require removal of disguises: Northern Ireland

(1) In Part 5 of the Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7)), before Article 24 insert—

*“ Temporary powers to deal with activities in a locality*

### 23A Powers to require removal of disguises

(1) Where—

- (a) an authorisation under paragraph (3) that the powers conferred by paragraph (2) shall be exercisable at any place in a locality is in force for any period, or
- (b) an authorisation under Article 23B is for the time being in force in relation to any locality for any period,

those powers shall be exercisable at any place in that locality at any time in that period.

(2) This paragraph confers power on any constable in uniform—

- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
- (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.

(3) If a police officer of or above the rank of inspector reasonably believes—

- (a) that activities may take place in any locality that are likely (if they take place) to involve the commission of offences, and
- (b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this paragraph,

he may give an authorisation that the powers conferred by this Article shall be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.

(4) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—

- (a) have been committed in connection with the activities in respect of which the authorisation was given, or
- (b) are reasonably suspected to have been so committed,

he may direct that the authorisation shall continue in force for a further twenty-four hours.

*Status: Point in time view as at 12/04/2015.*

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- (5) If an officer below the rank of superintendent gives an authorisation under paragraph , he must, as soon as it is practicable to do so, cause an officer of or above that rank to be informed.
- (6) Any authorisation under this Article—
- (a) shall be in writing and signed by the officer giving it; and
  - (b) shall specify—
    - (i) the grounds on which it is given;
    - (ii) the locality in which the powers conferred by this Article are exercisable;
    - (iii) the period during which those powers are exercisable;and a direction under paragraph (4) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.
- (7) A person who fails to remove an item worn by him when required to do so by a constable in the exercise of his power under this Article shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.
- (8) The powers conferred by this Article are in addition to, and not in derogation of, any power otherwise conferred.”

(2) <sup>F2</sup> .....

**Textual Amendments**

**F2** S. 95(2) repealed (N.I.) (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), 41, **Sch. 2**

**Status:**

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