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Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 3

POLICE POWERS ETC.

Fingerprints and footwear impressions

117 Fingerprints

(1) Section 61 of PACE (fingerprinting) is amended as provided in subsections (2) to (4).

(2) After subsection (6) insert—

“(6A) A constable may take a person's fingerprints without the appropriate consent if—

(a) the constable reasonably suspects that the person is committing or attempting to commit an offence, or has committed or attempted to commit an offence; and

(b) either of the two conditions mentioned in subsection (6B) is met.

(6B) The conditions are that—

(a) the name of the person is unknown to, and cannot be readily ascertained by, the constable;

(b) the constable has reasonable grounds for doubting whether a name furnished by the person as his name is his real name.

(6C) The taking of fingerprints by virtue of subsection (6A) does not count for any of the purposes of this Act as taking them in the course of the investigation of an offence by the police.”

(3) In subsection (7), for “or (6)” substitute “, (6) or (6A)”.

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- (4) In subsection (7A)—
- (a) after “police station,” insert “ or by virtue of subsection (6A) at a place other than a police station, ”,
 - (b) in paragraph (a), after “an officer” insert “ (or, in a subsection (6A) case, the constable) ”.
- (5) In section 63A of PACE (fingerprints and samples: supplementary provisions)—
- (a) after subsection (1) insert—

“(1ZA) Fingerprints taken by virtue of section 61(6A) above may be checked against other fingerprints to which the person seeking to check has access and which are held by or on behalf of any one or more relevant law-enforcement authorities or which are held in connection with or as a result of an investigation of an offence.”,
 - (b) in subsection (1A), after “subsection (1)” insert “ and (1ZA) ”.
- (6) Section 64 of PACE (destruction of fingerprints and samples) is amended as follows.
- (7) In subsection (1A), for “or the conduct of a prosecution” substitute “, the conduct of a prosecution or the identification of a deceased person or of the person from whom a body part came ”.
- (8) After subsection (1B) insert—
- “(1BA) Fingerprints taken from a person by virtue of section 61(6A) above must be destroyed as soon as they have fulfilled the purpose for which they were taken.”
- (9) In subsection (3AB), for “subsection (3)” substitute “ subsection (1BA) or (3) ”.
- (10) in subsection (3AC)—
- (a) in paragraph (a), after “that” insert “ fingerprint or ”,
 - (b) at the end add the following new sentence— “ This subsection does not apply to fingerprints taken from a person by virtue of section 61(6A) above. ”

Commencement Information

- II** S. 117 partly in force; s. 117(6) in force for certain purposes at Royal Assent and s. 117(7) in force at Royal Assent, see s. 178(1)

VALID FROM 01/01/2006

118 Impressions of footwear

- (1) PACE is amended as provided in subsections (2) to (4).
- (2) After section 61 insert—

“61A Impressions of footwear

- (1) Except as provided by this section, no impression of a person's footwear may be taken without the appropriate consent.

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- (2) Consent to the taking of an impression of a person's footwear must be in writing if it is given at a time when he is at a police station.
 - (3) Where a person is detained at a police station, an impression of his footwear may be taken without the appropriate consent if—
 - (a) he is detained in consequence of his arrest for a recordable offence, or has been charged with a recordable offence, or informed that he will be reported for a recordable offence; and
 - (b) he has not had an impression taken of his footwear in the course of the investigation of the offence by the police.
 - (4) Where a person mentioned in paragraph (a) of subsection (3) above has already had an impression taken of his footwear in the course of the investigation of the offence by the police, that fact shall be disregarded for the purposes of that subsection if the impression of his footwear taken previously is—
 - (a) incomplete; or
 - (b) is not of sufficient quality to allow satisfactory analysis, comparison or matching (whether in the case in question or generally).
 - (5) If an impression of a person's footwear is taken at a police station, whether with or without the appropriate consent—
 - (a) before it is taken, an officer shall inform him that it may be the subject of a speculative search; and
 - (b) the fact that the person has been informed of this possibility shall be recorded as soon as is practicable after the impression has been taken, and if he is detained at a police station, the record shall be made on his custody record.
 - (6) In a case where, by virtue of subsection (3) above, an impression of a person's footwear is taken without the appropriate consent—
 - (a) he shall be told the reason before it is taken; and
 - (b) the reason shall be recorded on his custody record as soon as is practicable after the impression is taken.
 - (7) The power to take an impression of the footwear of a person detained at a police station without the appropriate consent shall be exercisable by any constable.
 - (8) Nothing in this section applies to any person—
 - (a) arrested or detained under the terrorism provisions;
 - (b) arrested under an extradition arrest power.”
- (3) Section 63A (fingerprints and samples: supplementary provisions) is amended as follows—
- (a) in subsection (1), after “fingerprints”, in both places, insert “, impressions of footwear ”,
 - (b) in subsection (1C)—
 - (i) in paragraph (a), after “fingerprints” insert “, impressions of footwear ”,
 - (ii) in paragraph (b), after “fingerprints” insert “, of the impressions of footwear ”,

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- (iii) after the third “fingerprints” insert “ or impressions of footwear ”,
 (iv) after the fourth “fingerprints” insert “ , impressions of footwear ”.
- (4) Section 64 (destruction of fingerprints and samples) is amended as follows—
- (a) in subsection (1A), after “fingerprints” in both places where it occurs insert “ , impressions of footwear ”,
 - (b) in subsection (1B)(a), after “fingerprint” insert “ or an impression of footwear ”,
 - (c) in subsection (3), after “fingerprints” insert “ , impressions of footwear ”,
 - (d) in subsection (3AA)—
 - (i) for “and fingerprints” substitute “ , fingerprints and impressions of footwear ”,
 - (ii) in paragraph (b), for “or, as the case may be, fingerprint” substitute “ , fingerprint, (or as the case may be) an impression of footwear ”,
 - (e) in subsection (3AB)—
 - (i) after each of the first and third places “fingerprint” occurs insert “ , impression of footwear ”,
 - (ii) after the second place “fingerprint” occurs, insert “ , nor the impression of footwear, ”,
 - (f) in subsection (3AC), after “fingerprint” in each place where it occurs (including the “fingerprint” in paragraph (a) inserted by section 117(10)(a) of this Act), insert “ , impression of footwear ”,
 - (g) in subsection (3AD), after “fingerprint” insert “ , impression of footwear ”,
 - (h) in subsection (5), after “fingerprints” in each place where it occurs insert “ or impressions of footwear ”,
 - (i) in subsection (6), after “fingerprints” insert “ or impressions of footwear ”,
 - (j) in subsection (6A), after “fingerprints” insert “ or impressions of footwear ”.

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