



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 3

#### POLICE POWERS ETC.

##### *Fingerprints and footwear impressions*

#### **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.
- (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

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*Changes to legislation: Serious Organised Crime and Police Act 2005, Section 118 is up to date with all changes known to be in force on or before 15 July 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)*

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 ”,
  - (iii) after the third “fingerprints” insert “ or impressions of footwear ”,
  - (iv) after the fourth “fingerprints” insert “ , impressions of footwear ”.

<sup>F1</sup>(4) .....

**Textual Amendments**

**F1** S. 118(4) repealed (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 10 Pt. 1 (with s. 97); S.I. 2013/2104, art. 3(d)

**Commencement Information**

**I1** S. 118 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(p)

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