



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 1

POWERS TO GATHER AND SHARE INFORMATION

Power to take fingerprints and samples from person subject to control order

10 Power to take fingerprints and samples: England and Wales

- (1) In section 61 of the Police and Criminal Evidence Act 1984 (c. 60) (fingerprinting), after subsection (6B) insert—

“(6BA) A constable may take a person’s fingerprints without the appropriate consent if the person is subject to a control order.”.

- (2) In section 63 of that Act (other samples), after subsection (3C) insert—

“(3D) A non-intimate sample may also be taken from a person without the appropriate consent if the person is subject to a control order.”.

- (3) In section 63A of that Act (fingerprints and samples: supplementary provisions)—

(a) in subsection (1) (checking against other fingerprints or samples), after “reported for such an offence” insert “or he is or has been subject to a control order”;

(b) after subsection (6) insert—

“(6A) A constable may require a person who is subject to a control order to attend a police station in order to—

(a) have his fingerprints taken in accordance with section 61(6BA);

(b) have a non-intimate sample taken in accordance with section 63(3D).”.

- (4) In section 64 of that Act (destruction of fingerprints and samples), after subsection (1A) insert—

Status: This is the original version (as it was originally enacted).

“(1AA) Where fingerprints or samples are taken from a person who is subject to a control order the fingerprints or samples may be retained after they have fulfilled the purposes for which they were taken but shall not be used by any person except as described in subsection (1AB).”.

(5) In section 65(1) of that Act (interpretation), at the appropriate places insert—

““control order” has the same meaning as in the Prevention of Terrorism Act 2005;”;

““person subject to a control order” means a person who has become bound by a control order (see section 7(8) of the Prevention of Terrorism Act 2005) that remains in force;”.

(6) The following amendments of that Act are consequential on those above—

(a) in section 61—

(i) in subsection (6C) after “subsection (6A)” insert “or (6BA)”;

(ii) in subsection (7) for “or (6A)” substitute “, (6A) or (6BA)”;

(iii) in subsection (7A) after “subsection (6A)”, in both places where it occurs, insert “or (6BA)”;

(b) in section 63 (other samples)—

(i) in subsection (8A) for “or (3C)” substitute “, (3C) or (3D)”;

(ii) in the opening words of subsection (8B) after “police station” insert “or by virtue of subsection (3D) at a place other than a police station”;

(iii) in paragraph (a) of that subsection after “officer” insert “, or, in a subsection (3D) case, a constable,”;

(c) in section 63A(7) after “subsection (4)” insert “or (6A)”;

(d) in section 64(1B) after “subsection (1A)” insert “, (1AA)”.