



Crime and Security Act 2010

2010 CHAPTER 17

Taking of fingerprints and samples: Northern Ireland

13 “Qualifying offence” **N.I.**

- (1) After Article 53 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (interpretation) there is inserted—

“53A Qualifying offence” etc

- (1) In this Part, “qualifying offence” means—
- (a) an offence specified in paragraph (2), or
 - (b) an ancillary offence relating to such an offence.
- (2) The offences referred to in paragraph (1)(a) are—
- (a) murder;
 - (b) manslaughter;
 - (c) false imprisonment;
 - (d) kidnapping;
 - (e) an offence under section 4, 16, 18, 20 to 24 or 47 of the Offences Against the Person Act 1861;
 - (f) an offence under section 2 or 3 of the Explosive Substances Act 1883;
 - (g) an offence under section 20 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.));
 - (h) an offence under section 9 or 10 of the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.));
 - (i) an offence under Article 3 of the Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4)) required to be charged as arson;
 - (j) an offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17));
 - (k) an offence under Article 172B of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) involving an accident which caused a person's death;

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- (l) an offence under section 1 of the Aviation Security Act 1982;
 - (m) an offence under Article 4 of the Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17));
 - (n) an offence under section 9 of the Aviation and Maritime Security Act 1990;
 - (o) an offence under sections 57 to 59 of the Sexual Offences Act 2003;
 - (p) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004;
 - (q) an offence under Article 58, 59 or 60 of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3));
 - (r) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008;
 - (s) an offence under any of Articles 5 to 26, 32, 33, 37 to 40, 43 to 54, 62, 63, 65 to 71, 73 and 74 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)).
- (3) The Secretary of State may by order amend paragraph (2) (subject to Article 89).
- [^{F1}(3A) The power to make an order under paragraph (3) is exercisable by the Department of Justice (and not by the Secretary of State) so far as the power may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).]
- (4) In paragraph (1)(b) “ancillary offence”, in relation to an offence, means—
- (a) aiding, abetting, counselling or procuring the commission of the offence;
 - (b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement);
 - (c) attempting or conspiring to commit the offence.”
- [^{F2}(2) Amend Article 89 of that Order (orders and regulations) as follows—
- (a) in paragraph (1)—
 - (i) after “made” insert “by the Secretary of State”; and
 - (ii) after “Article” insert “53A or”;
 - (b) in paragraph (2)—
 - (i) after “Article 53,” insert “53A,”; and
 - (ii) for “or 66,” insert “, 66 or 81”.]

Textual Amendments

- F1** Words in s. 13(1) inserted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012](#) (S.I. 2012/2595), arts. 1(2), **22(2)(a)** (with arts. 24-28)
- F2** S. 13(2) substituted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012](#) (S.I. 2012/2595), arts. 1(2), **22(2)(b)** (with arts. 24-28)
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Commencement Information

- I1** S. 13 in force at 1.6.2021 for specified purposes by [S.I. 2021/621](#), **art. 2**

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12 S. 13 in force at 1.6.2021 for specified purposes by [S.R. 2021/135](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Crime and Security Act 2010, Section 13.