



Crime and Security Act 2010

2010 CHAPTER 17

Taking of fingerprints and samples: Northern Ireland

8 Powers to take material in relation to offences

Fingerprinting

- (1) In the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)), in Article 61 (fingerprinting), after paragraph (5) there is inserted—

“(5A) The fingerprints of a person may be taken without the appropriate consent if (before or after the coming into force of this paragraph) he has been arrested for a recordable offence and released and—

- (a) in the case of a person who is on bail, he has not had his fingerprints taken in the course of the investigation of the offence by the police; or
- (b) in any case, he has had his fingerprints taken in the course of that investigation but paragraph (4A)(a) or (b) applies.”

- (2) In that Article, after paragraph (5A) (as inserted by subsection (1) above) there is inserted—

“(5B) The fingerprints of a person not detained at a police station may be taken without the appropriate consent if (before or after the coming into force of this paragraph) he has been charged with a recordable offence or informed that he will be reported for such an offence and—

- (a) he has not had his fingerprints taken in the course of the investigation of the offence by the police; or
- (b) he has had his fingerprints taken in the course of that investigation but paragraph (4A)(a) or (b) applies.”

- (3) In that Article, for paragraph (6) there is substituted—

“(6) Subject to this Article, the fingerprints of a person may be taken without the appropriate consent if (before or after the coming into force of this paragraph)

Status: This is the original version (as it was originally enacted).

- (a) he has been convicted of a recordable offence, or
 - (b) he has been given a caution in respect of a recordable offence which, at the time of the caution, he has admitted, and
- either of the conditions mentioned in paragraph (6ZA) is met.

(6ZA) The conditions referred to in paragraph (6) are—

- (a) the person has not had his fingerprints taken since he was convicted or cautioned;
- (b) he has had his fingerprints taken since then but paragraph (4A)(a) or (b) applies.

(6ZB) Fingerprints may only be taken as specified in paragraph (6) with the authorisation of an officer of at least the rank of inspector.

(6ZC) An officer may only give an authorisation under paragraph (6ZB) if the officer is satisfied that taking the fingerprints is necessary to assist in the prevention or detection of crime.

(6ZD) Paragraph (6) shall not apply to a person who, in relation to a sentence in respect of an offence, is released on licence under the Northern Ireland (Sentences) Act 1998 (or has been so released and the licence has lapsed).”

(4) In that Article, for paragraph (8A) there is substituted—

“(8A) Any power under this Article to take the fingerprints of a person without the appropriate consent, if not otherwise specified to be exercisable by a constable, shall be exercisable by a constable.”

Non-intimate samples

(5) In Article 63 of that Order (non-intimate samples), after paragraph (3) there is inserted—

“(3ZA) A non-intimate sample may be taken from a person without the appropriate consent if (before or after the coming into force of this paragraph) he has been arrested for a recordable offence and released and—

- (a) in the case of a person who is on bail, he has not had a non-intimate sample of the same type and from the same part of the body taken from him in the course of the investigation of the offence by the police; or
- (b) in any case, he has had a non-intimate sample taken from him in the course of that investigation but—
 - (i) it was not suitable for the same means of analysis, or
 - (ii) it proved insufficient.”

(6) In that Article, for paragraph (3A) there is substituted—

“(3A) A non-intimate sample may be taken from a person (whether or not he is in police detention or held in custody by the police on the authority of a court) without the appropriate consent if he has been charged with a recordable offence or informed that he will be reported for such an offence and—

- (a) he has not had a non-intimate sample taken from him in the course of the investigation of the offence by the police; or
- (b) he has had a non-intimate sample taken from him in the course of that investigation but—

- (i) it was not suitable for the same means of analysis, or
 - (ii) it proved insufficient; or
 - (c) he has had a non-intimate sample taken from him in the course of that investigation and—
 - (i) the sample has been destroyed pursuant to Article 64ZA or any other enactment, and
 - (ii) it is disputed, in relation to any proceedings relating to the offence, whether a DNA profile relevant to the proceedings is derived from the sample.”
- (7) In that Article (non-intimate samples), for paragraph (3B) there is substituted—
 - “(3B) Subject to this Article, a non-intimate sample may be taken from a person without the appropriate consent if (before or after the coming into force of this paragraph)—
 - (a) he has been convicted of a recordable offence, or
 - (b) he has been given a caution in respect of a recordable offence which, at the time of the caution, he has admitted, andeither of the conditions mentioned in paragraph (3BA) is met.
 - (3BA) The conditions referred to in paragraph (3B) are—
 - (a) a non-intimate sample has not been taken from the person since he was convicted or cautioned;
 - (b) such a sample has been taken from him since then but—
 - (i) it was not suitable for the same means of analysis, or
 - (ii) it proved insufficient.
 - (3BB) A non-intimate sample may only be taken as specified in paragraph (3B) with the authorisation of an officer of at least the rank of inspector.
 - (3BC) An officer may only give an authorisation under paragraph (3BB) if the officer is satisfied that taking the sample is necessary to assist in the prevention or detection of crime.
 - (3BD) Paragraph (3B) shall not apply to—
 - (a) a person convicted of an offence before 29 July 1996, unless the offence is a qualifying offence by virtue of being—
 - (i) an offence specified in any of paragraphs (a) to (n) of Article 53A(2), or
 - (ii) an ancillary offence, within the meaning given by Article 53A(4), in relation to such an offence;
 - (b) a person given a caution before 29 July 1996;
 - (c) a person who, in relation to a sentence in respect of an offence, is released on licence under the Northern Ireland (Sentences) Act 1998 (or has been so released and the licence has lapsed).”
- (8) In that Article, paragraph (10) is repealed.