



Crime and Security Act 2010

2010 CHAPTER 17

Taking of fingerprints and samples: Northern Ireland

9 Powers to take material in relation to offences outside Northern Ireland

Fingerprinting

- (1) In Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprinting), after paragraph (6C) there is inserted—

“(6D) Subject to this Article, the fingerprints of a person may be taken without the appropriate consent if—

- (a) under the law in force in a country or territory outside Northern Ireland the person has been convicted of an offence under that law (whether before or after the coming into force of this paragraph and whether or not he has been punished for it);
- (b) the act constituting the offence would constitute a qualifying offence if done in Northern Ireland (whether or not it constituted such an offence when the person was convicted); and
- (c) either of the conditions mentioned in paragraph (6E) is met.

(6E) The conditions referred to in paragraph (6D)(c) are—

- (a) the person has not had his fingerprints taken on a previous occasion under that paragraph;
- (b) he has had his fingerprints taken on a previous occasion under that paragraph but paragraph (4A)(a) or (b) applies.

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

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

Intimate samples

- (2) In Article 62 of that Order (intimate samples), after paragraph (2) there is inserted—
- “(2A) An intimate sample may be taken from a person where—
- (a) two or more non-intimate samples suitable for the same means of analysis have been taken from the person under Article 63(3D) (persons convicted of offences outside Northern Ireland etc) but have proved insufficient;
 - (b) a police officer of at least the rank of inspector authorises it to be taken; and
 - (c) the appropriate consent is given.
- (2B) An officer may only give an authorisation under paragraph (2A) if the officer is satisfied that taking the sample is necessary to assist in the prevention or detection of crime.”
- (3) In that Article, in paragraph (3), after “or (1A)” there is inserted “or (2A)”.

Non-intimate samples

- (4) In Article 63 of that Order (other samples), after paragraph (3C) there is inserted—
- “(3D) Subject to this Article, a non-intimate sample may be taken without the appropriate consent from a person if—
- (a) under the law in force in a country or territory outside Northern Ireland the person has been convicted of an offence under that law (whether before or after the coming into force of this paragraph and whether or not he has been punished for it);
 - (b) the act constituting the offence would constitute a qualifying offence if done in Northern Ireland (whether or not it constituted such an offence when the person was convicted); and
 - (c) either of the conditions mentioned in paragraph (3E) is met.
- (3E) The conditions referred to in paragraph (3D) are—
- (a) the person has not had a non-intimate sample taken from him on a previous occasion under that paragraph;
 - (b) he has had such a sample taken from him on a previous occasion under that paragraph but—
 - (i) the sample was not suitable for the same means of analysis, or
 - (ii) it proved insufficient.
- (3F) A non-intimate sample may only be taken as specified in paragraph (3D) with the authorisation of an officer of at least the rank of inspector.
- (3G) An officer may only give an authorisation under paragraph (3F) if the officer is satisfied that taking the sample is necessary to assist in the prevention or detection of crime.”

Interpretation

- (5) In Article 53 of that Order (interpretation), in paragraph (1), after the definition of “non-intimate sample” there is inserted—

““offence”, in relation to any country or territory outside Northern Ireland, includes an act punishable under the law of that country or territory, however it is described;”.

(6) In that Article, at the end there is inserted—

- “(4) For the purposes of this Part, a person has in particular been convicted of an offence under the law of a country or territory outside Northern Ireland if—
- (a) a court exercising jurisdiction under the law of that country or territory has made in respect of such an offence a finding equivalent to a finding that the person is not guilty by reason of insanity; or
 - (b) such a court has made in respect of such an offence a finding equivalent to a finding that the person is under a disability and did the act charged against him in respect of the offence.”