

SCHEDULES

SCHEDULE 6

FINGERPRINTS AND SAMPLES

[^{F1}Requirement to destroy samples

Textual Amendments

- F1** Word in Sch. 6 para. 10(1)(a)(ii) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 24 para. 32\(a\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)

- 12 (1) This paragraph applies to—
- (a) non-intimate samples taken under paragraph 1, or
 - (b) samples taken under paragraph 4(2)(b) or (c).
- (2) Samples to which this paragraph applies must be destroyed if it appears to the responsible chief officer of police that the taking of the sample was unlawful.
- (3) Subject to this, the rule in sub-paragraph (4) or (as the case may be) (5) applies.
- (4) A DNA sample to which this paragraph applies must be destroyed—
- (a) as soon as a DNA profile has been derived from the sample, or
 - (b) if sooner, before the end of the period of 6 months beginning with the date on which the sample was taken.
- (5) Any other sample to which this paragraph applies must be destroyed before the end of the period of 6 months beginning with the date on which it was taken.
- (6) Nothing in this paragraph prevents a relevant search, in relation to samples to which this paragraph applies, from being carried out within such time as may reasonably be required for the search if the responsible chief officer of police considers the search to be desirable.]

Changes to legislation:

There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Paragraph 12.