
Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 26. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DETENTION UNDER SECTION 27

PART 4

DEALING WITH FINGERPRINTS AND SAMPLES ETC: UNITED KINGDOM

Restrictions on use of retained material

- 26 (1) Any material to which [paragraph 19](#) or [25](#) applies must not be used other than—
- (a) in the interests of national security,
 - (b) for the purposes of investigating foreign power threat activity,
 - (c) for the purposes of a terrorist investigation (within the meaning of the Terrorism Act 2000),
 - (d) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or
 - (e) for purposes related to the identification of a deceased person or of the person to whom the material relates.
- (2) Subject to [sub-paragraph \(1\)](#), a relevant search (within the meaning given by [paragraph 19\(6\)](#)) may be carried out in relation to material to which [paragraph 19](#) or [25](#) applies if the responsible chief officer of police considers the search to be desirable.
- (3) Material which is required by [paragraph 19](#) or [25](#) to be destroyed must not at any time after it is required to be destroyed be used—
- (a) in evidence against the person to whom the material relates, or
 - (b) for the purposes of the investigation of any offence.
- (4) In [this paragraph](#)—
- (a) the reference to using material includes a reference to allowing any check to be made against it and to disclosing it to any person,
 - (b) the reference to crime includes a reference to any conduct which—
 - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom), or
 - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences, and
 - (c) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.

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- (5) [Sub-paragraphs \(1\), \(2\) and \(4\)](#) do not form part of the law of Scotland (but see instead section 19C of the Criminal Procedure (Scotland) Act 1995 (use of samples etc) (as amended by [Schedule 18](#)).

Commencement Information

- I1** Sch. 6 para. 26 not in force at Royal Assent, see 100(1)
I2 [Sch. 6 para. 26](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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