

---

STATUTORY INSTRUMENTS

---

**2002 No. 233**

**The Police Act 1997 (Criminal Records) Regulations 2002**

**Evidence of identity: fingerprinting**

**11.**—(1) Where the [<sup>F1</sup>Disclosure and Barring Service] requires an application under Part V of the Act to be supported by evidence of identity in the form of fingerprints then the place at which they are to be taken is to be determined in accordance with paragraphs (2) and (3) below and he shall notify the applicant—

- (a) of his requirement; and
- (b) of the fact that any fingerprints taken from the applicant and provided to the [<sup>F2</sup>Disclosure and Barring Service] in pursuance of the requirement may be the subject of a speculative search.

(2) Any applicant in receipt of such notification shall notify the [<sup>F3</sup>Disclosure and Barring Service] of whether he wishes to proceed with his application and, if so, notify the [<sup>F3</sup>Disclosure and Barring Service]—

- (a) that he consents to the taking of his fingerprints; and
- [<sup>F4</sup>(b) either—
  - (i) that he proposes to attend at a police station (“the specified police station”) for the purpose of having his fingerprints taken, or
  - (ii) that he proposes to have his fingerprints taken by the registered person countersigning or acting as the registered person in relation to his application under this Part.]

[<sup>F5</sup>(2A) But a person can only have his fingerprints taken under paragraph (2)(b)(ii) with the consent of the [<sup>F3</sup>Disclosure and Barring Service].]

(3) The [<sup>F6</sup>Disclosure and Barring Service] may require the police officer in charge of the specified police station, or any other police station he reasonably determines, to take the applicant’s fingerprints at the specified station at such reasonable time as the officer may direct and notify to the applicant.

(4) Fingerprints taken in connection with an application under Part V of the Act must be destroyed as soon as is practicable after the identity of the applicant is established to the satisfaction of the [<sup>F6</sup>Disclosure and Barring Service].

- (5) If fingerprints are destroyed—
  - (a) any copies of the fingerprints shall also be destroyed; and
  - (b) any chief officer of police controlling access to computer data relating to the fingerprints shall make access to the data impossible, as soon as it is practicable to do so.

(6) Any applicant who asks to be allowed to witness the destruction of his fingerprints or copies of them shall have a right to witness it.

- (7) If—
  - (a) paragraph (5)(b) above falls to be complied with; and

(b) the applicant to whose fingerprints the data relates asks for a certificate that it has been complied with,

such a certificate shall be issued to him, not later than the end of the period of three months beginning with the day on which he asks for it, by the responsible chief officer of police or a person authorised by him or on his behalf for the purposes of this regulation.

(8) In the case of an applicant under the age of 18 years the consent of the applicant's parent or guardian to the taking of the applicant's fingerprints is also required.

(9) In this regulation—

“speculative search” has the same meaning as in Part V of the Police and Criminal Evidence Act 1984 <sup>M1</sup>; and

“responsible chief officer of police” means the chief officer of police in whose area the computer data were put on to the computer.

---

#### **Textual Amendments**

- F1** Words in reg. 11(1) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **78** (with Pt. 4)
- F2** Words in reg. 11(1)(b) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **78** (with Pt. 4)
- F3** Words in reg. 11(2)(2A) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **78** (with Pt. 4)
- F4** Reg. 11(2)(b) substituted (1.4.2009) by [The Police Act 1997 \(Criminal Records\) Regulations 2009 \(S.I. 2009/460\)](#), regs. 1(1), **3(3)**
- F5** Reg. 11(2A) inserted (1.4.2009) by [The Police Act 1997 \(Criminal Records\) Regulations 2009 \(S.I. 2009/460\)](#), regs. 1(1), **3(4)**
- F6** Words in reg. 11(3)(4) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **78** (with Pt. 4)
- 

#### **Marginal Citations**

- M1** 1984 c. 60.

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002, Section 11.