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STATUTORY INSTRUMENTS

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**1989 No. 1341**

**The Police and Criminal Evidence  
(Northern Ireland) Order 1989**

**PART VI**

**QUESTIONING AND TREATMENT OF PERSONS BY POLICE**

**Destruction of fingerprints and samples**

**64.**—(1) If—

- (a) fingerprints or samples are taken from a person in connection with the investigation of an offence; and
- (b) he is cleared of that offence,

they must be destroyed as soon as is practicable after the conclusion of the proceedings.

(2) If—

- (a) fingerprints or samples are taken from a person in connection with such an investigation; and
- (b) it is decided that he shall not be prosecuted for the offence and he has not admitted it and been dealt with by way of being cautioned by a constable,

they must be destroyed as soon as is practicable after that decision is taken.

(3) If—

- (a) fingerprints or samples are taken from a person in connection with the investigation of an offence; and
- (b) that person is not suspected of having committed the offence,

they must be destroyed as soon as they have fulfilled the purpose for which they were taken.

(4) Proceedings which are discontinued are to be treated as concluded for the purposes of this Article.

(5) If fingerprints are destroyed—

- (a) any copies of the fingerprints shall also be destroyed; and
- (b) a person authorised by the Chief Constable to control 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) A person 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) falls to be complied with; and
- (b) the person to whose fingerprints the data relate 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 3 months beginning with the day on which he asks for it by the Chief Constable or a person authorised by him or on his behalf for the purposes of this Article.

(8) Nothing in this Article—

- (a) affects any power conferred by paragraph 18(2) of Schedule 2 to the Immigration Act 1971<sup>(1)</sup>; or
- (b) applies to a person arrested or detained under the terrorism provisions.