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STATUTORY INSTRUMENTS

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**2004 No. 1500**

**The Criminal Justice (Northern Ireland) Order 2004**

**PART II**

**AMENDMENTS OF POLICE AND CRIMINAL  
EVIDENCE (NORTHERN IRELAND) ORDER 1989**

**Taking non-intimate samples without consent**

**8.—**(1) Article 63 of the 1989 Order (other samples) is amended as follows.

(2) After paragraph (2) (consent to be given in writing) insert—

“(2A) A non-intimate sample may be taken from a person without the appropriate consent if—

- (a) he is in police detention in consequence of his arrest for a recordable offence; and
- (b) either he has not had a non-intimate sample of the same type and from the same part of the body taken in the course of the investigation of the offence by the police, or he has had such a sample taken but it proved insufficient.”.

(3) In paragraph (3)(a) (taking of samples without appropriate consent) omit “is in police detention or”.

(4) In paragraph (3A) (taking of samples without appropriate consent after charge) for “(whether or not he falls within paragraph (3)(a))” substitute “(whether or not he is in police detention or held in custody by the police on the authority of a court)”.

(5) In paragraph (8A) (reasons for taking of samples without consent) for “paragraph (3A)” substitute “paragraph (2A), (3A)”.