Status: *Point in time view as at 13/05/2014. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *Police and Criminal Evidence Act 1984, SCHEDULE 2A is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

[F1SCHEDULE 2A

Section 63A(4)

FINGERPRINTING AND SAMPLES: POWER TO REQUIRE ATTENDANCE AT POLICE STATION

Textual Amendments

F1 Sch. 2A inserted (E.W.) (7.3.2011 except for the insertion of Sch. 2A paras. 4, 12) by Crime and Security Act 2010 (c. 17), **ss. 6(2)**, 59(1); S.I. 2011/414, art. 2(d)

PART 1

FINGERPRINTING

Persons arrested and released

1 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(5A).

(2) The power under sub-paragraph (1) above may not be exercised in a case falling within **[**F2 section 61(5A)(b)(i) **]** (fingerprints taken on previous occasion insufficient etc) after the end of the period of six months beginning with the day on which the appropriate officer was informed that section 61(3A)(a) or (b) applied.

(3) In sub-paragraph (2) above " appropriate officer " means the officer investigating the offence for which the person was arrested.

[F3(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.**]**

Textual Amendments

F2 Words in Sch. 2A para. 1(2) substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 86(2)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

F3 Sch. 2A para. 1(4) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 86(2)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

Persons charged etc

2 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(5B).

Status: *Point in time view as at 13/05/2014. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *Police and Criminal Evidence Act 1984, SCHEDULE 2A is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The power under sub-paragraph (1) above may not be exercised after the end of the period of six months beginning with—

(a) in a case falling within section 61(5B)(a) (fingerprints not taken previously), the day on which the person was charged or informed that he would be reported, or

(b) in a case falling within **[**[F4] section 61(5B)(b)(i) **]** (fingerprints taken on previous occasion insufficient etc), the day on which the appropriate officer was informed that section 61(3A)(a) or (b) applied. **[**[F5], or

(c) in a case falling within section 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.**]**

(3) In sub-paragraph (2)(b) above " appropriate officer " means the officer investigating the offence for which the person was charged or informed that he would be reported.

Textual Amendments

F4 Words in Sch. 2A para. 2(2)(b) substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 86(3)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

F5 Sch. 2A para. 2(2)(c) and word inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 86(3)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

Persons convicted etc of an offence in England and Wales

3 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(6).

(2) Where the condition in section 61(6ZA)(a) is satisfied (fingerprints not taken previously), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—

(a) the day on which the person was convicted **[**[F6] or cautioned **]** , or

(b) if later, the day on which this Schedule comes into force.

(3) Where the condition in section 61(6ZA)(b) is satisfied (fingerprints taken on previous occasion insufficient etc), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—

(a) the day on which an appropriate officer was informed that section 61(3A)(a) or (b) applied, or

(b) if later, the day on which this Schedule comes into force.

(4) In sub-paragraph (3)(a) above " appropriate officer " means an officer of the police force which investigated the offence in question.

(5) Sub-paragraphs (2) and (3) above do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction **[**[F7] or caution **]**).

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Textual Amendments

F6 Words in Sch. 2A para. 3(2)(a) substituted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 24 para. 11(2)(a)** (with s. 135(4)); S.I. 2013/453, art. 4(f)

F7 Words in Sch. 2A para. 3(5) substituted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 24 para. 11(2)(b)** (with s. 135(4)); S.I. 2013/453, art. 4(f)

Persons subject to a control order

[F8]4 . . . . . .

Textual Amendments

F8 Sch. 2A para. 4 omitted (15.12.2011) by virtue of Terrorism Prevention and Investigation Measures Act 2011 (c. 23), s. 31(2), **Sch. 7 para. 2** (with Sch. 8)

Persons convicted etc of an offence outside England and Wales

PROSPECTIVE

[F9]5 A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(6D).

Textual Amendments

F9 Sch. 2A inserted (prosp.) by Crime and Security Act 2010 (c. 17), **ss. 6(2)**, 59

Multiple attendance

PROSPECTIVE

6 (1) Where a person's fingerprints have been taken under section 61 on two occasions in relation to any offence, he may not under this Schedule be required to attend a police station to have his fingerprints taken under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.

(2) Where an authorisation is given under sub-paragraph (1) above—

(a) the fact of the authorisation, and

(b) the reasons for giving it,

shall be recorded as soon as practicable after it has been given.

Textual Amendments

F9 Sch. 2A inserted (prosp.) by Crime and Security Act 2010 (c. 17), **ss. 6(2)**, 59

Status: *Point in time view as at 13/05/2014. This version of this schedule contains provisions that are prospective.*
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PART 2

INTIMATE SAMPLES

Persons suspected to be involved in an offence

PROSPECTIVE

7 A constable may require a person to attend a police station for the purpose of taking an intimate sample from him under section 62(1A) if, in the course of the investigation of an offence, two or more non-intimate samples suitable for the same means of analysis have been taken from him but have proved insufficient.

Textual Amendments

F9 Sch. 2A inserted (prosp.) by Crime and Security Act 2010 (c. 17), **ss. 6(2)**, 59

Persons convicted etc of an offence outside England and Wales

PROSPECTIVE

8 A constable may require a person to attend a police station for the purpose of taking a sample from him under section 62(2A) if two or more non-intimate samples suitable for the same means of analysis have been taken from him under section 63(3E) but have proved insufficient.

Textual Amendments

F9 Sch. 2A inserted (prosp.) by Crime and Security Act 2010 (c. 17), **ss. 6(2)**, 59

PART 3

NON-INTIMATE SAMPLES

Persons arrested and released

9 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3ZA).

(2) The power under sub-paragraph (1) above may not be exercised in a case falling **[**[F10] within section 63(3ZA)(b)(i) or (ii) **]** (sample taken on a previous occasion not suitable etc) after the end of the period of six months beginning with the day on which the appropriate officer was informed of the matters specified in section 63(3ZA)(b)(i) or (ii).

(3) In sub-paragraph (2) above, “ appropriate officer ” means the officer investigating the offence for which the person was arrested.

Status: *Point in time view as at 13/05/2014. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *Police and Criminal Evidence Act 1984, SCHEDULE 2A is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F11](4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3ZA)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.**]**

Textual Amendments

F10 Words in Sch. 2A para. 9(2) substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 86(4)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

F11 Sch. 2A para. 9(4) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 86(4)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

Persons charged etc

10 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3A).

(2) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(a) (sample not taken previously) after the end of the period of six months beginning with the day on which he was charged or informed that he would be reported.

(3) The power under sub-paragraph (1) above may not be exercised in a case falling **[**[F12] within section 63(3A)(b)(i) or (ii) **]** (sample taken on a previous occasion not suitable etc) after the end of the period of six months beginning with the day on which the appropriate officer was informed of the matters specified in section 63(3A)(b)(i) or (ii).

(4) In sub-paragraph (3) above " appropriate officer " means the officer investigating the offence for which the person was charged or informed that he would be reported.

[[F13](5) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.**]**

Textual Amendments

F12 Words in Sch. 2A para. 10(3) substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 86(5)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

F13 Sch. 2A para. 10(5) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 86(5)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

Persons convicted etc of an offence in England and Wales

11 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3B).

Status: *Point in time view as at 13/05/2014. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *Police and Criminal Evidence Act 1984, SCHEDULE 2A is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Where the condition in section 63(3BA)(a) is satisfied (sample not taken previously), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—

(a) the day on which the person was convicted **[**[F14] or cautioned **]** , or

(b) if later, the day on which this Schedule comes into force.

(3) Where the condition in section 63(3BA)(b) is satisfied (sample taken on a previous occasion not suitable etc), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—

(a) the day on which an appropriate officer was informed of the matters specified in section 63(3BA)(b)(i) or (ii), or

(b) if later, the day on which this Schedule comes into force.

(4) In sub-paragraph (3)(a) above " appropriate officer " means an officer of the police force which investigated the offence in question.

(5) Sub-paragraphs (2) and (3) above do not apply where—

(a) the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction **[**[F15] or caution **]**), or

(b) he was convicted before 10th April 1995 and is a person to whom section 1 of the Criminal Evidence (Amendment) Act 1997 applies.

Textual Amendments

F14 Words in Sch. 2A para. 11(2)(a) substituted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 24 para. 11(3)(a)** (with s. 135(4)); S.I. 2013/453, art. 4(f)

F15 Words in Sch. 2A para. 11(5)(a) substituted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 24 para. 11(3)(b)** (with s. 135(4)); S.I. 2013/453, art. 4(f)

Persons subject to a control order

[F16]12 . . . . . .

Textual Amendments

F16 Sch. 2A para. 12 omitted (15.12.2011) by virtue of Terrorism Prevention and Investigation Measures Act 2011 (c. 23), s. 31(2), **Sch. 7 para. 2** (with Sch. 8)

PROSPECTIVE

Persons convicted etc of an offence outside England and Wales

13 A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3E).

Status: *Point in time view as at 13/05/2014. This version of this schedule contains provisions that are prospective.*
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PROSPECTIVE

Multiple exercise of power

14 (1) Where a non-intimate sample has been taken from a person under section 63 on two occasions in relation to any offence, he may not under this Schedule be required to attend a police station to have another such sample taken from him under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.

(2) Where an authorisation is given under sub-paragraph (1) above—

(a) the fact of the authorisation, and

(b) the reasons for giving it,

shall be recorded as soon as practicable after it has been given.

PART 4

GENERAL AND SUPPLEMENTARY**]**

PROSPECTIVE

*Requirement to have power to take fingerprints **[**, sample or photograph**]***

15 A power conferred by this Schedule to require a person to attend a police station for the purposes of taking fingerprints **[**[F17], a sample or a photograph**]** under any provision of this Act may be exercised only in a case where the fingerprints **[**[F18], sample or photograph**]** may be taken from the person under that provision (and, in particular, if any necessary authorisation for taking the fingerprints **[**[F18], sample or photograph**]** under that provision has been obtained).

Textual Amendments

F17 Words in Sch. 2A para. 15 substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 52(7)(a)**, 208(5)(e)

F18 Words in Sch. 2A para. 15 substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 52(7)(b)**, 208(5)(e)

PROSPECTIVE

Date and time of attendance

16 **[**[F19](1) A requirement under this Schedule—

(a) must direct the person to attend the police station on a specified date, and

(b) may either direct the person to attend the police station at a specified time on that date or direct the person to attend the police station between specified times on that date.**]**

Status: *Point in time view as at 13/05/2014. This version of this schedule contains provisions that are prospective.*
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(2) In specifying a **[**[F20]date, time or times**]** for the purposes of sub-paragraph (1) above, the constable shall consider whether the fingerprints **[**[F21], sample or photograph**]** could reasonably be taken at a time when the person is for any other reason required to attend the police station.

[F22](3) . . . . . .

[F23](4) . . . . . .

(5) If the constable giving a requirement under this Schedule and the person to whom it is given so agree, it may be varied so as to specify **[**[F24]any date, time at which or times between which**]** the person must attend; but a variation shall not have effect unless confirmed by the constable in writing.

Textual Amendments

F19 Sch. 2A para. 16(1) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 53(2)**, 208(5)(e) (with s. 53(6))

F20 Words in Sch. 2A para. 16(2) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 53(3)**, 208(5)(e) (with s. 53(6))

F21 Words in Sch. 2A para. 16(2) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 52(8)**, 208(5)(e)

F22 Sch. 2A para. 16(3) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 53(4)**, 208(5)(e) (with s. 53(6))

F23 Sch. 2A para. 16(4) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 53(4)**, 208(5)(e) (with s. 53(6))

F24 Words in Sch. 2A para. 16(5) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 53(5)**, 208(5)(e) (with s. 53(6))

PROSPECTIVE

Enforcement

17 A constable may arrest without warrant a person who has failed to comply with a requirement under this Schedule.**]**

Status:
Point in time view as at 13/05/2014. This version of this schedule contains provisions that are prospective.

Changes to legislation:
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