
Changes to legislation: There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Cross Heading: Taking of fingerprints and samples: England, Wales and Northern Ireland. (See end of Document for details)

SCHEDULES

SCHEDULE 6 U.K.

FINGERPRINTS AND SAMPLES

Taking of fingerprints and samples: England, Wales and Northern Ireland

- 1 (1) This paragraph applies at any time when a TPIM notice is in force in respect of an individual in England, Wales or Northern Ireland.
- (2) A constable may take fingerprints or a non-intimate sample from the individual—
- (a) with the consent of the individual given in writing, or
 - (b) without that consent.
- (3) A constable may use reasonable force, if necessary, for the purpose of exercising the power under sub-paragraph (2)(b).
- (4) Before any fingerprints or a non-intimate sample are taken the individual must be informed—
- (a) of the reason for taking the fingerprints or sample,
 - (b) of the fact that the fingerprints or sample are taken under the power conferred by this paragraph, and
 - (c) that the fingerprints or sample may be the subject of a relevant search.
- (5) The matters mentioned in sub-paragraph (4) must be recorded as soon as practicable after the fingerprints or non-intimate sample are taken.
- (6) The information mentioned in sub-paragraph (4) must be given by—
- (a) the constable taking the fingerprints or non-intimate sample, or
 - (b) if the fingerprints or non-intimate sample are taken at a police station (see paragraph 3), any other officer.
- (7) Where a sample of hair other than pubic hair is to be taken under this paragraph, the sample may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than the person taking the sample reasonably considers to be necessary for a sufficient sample.
- 2 (1) A constable may exercise the power under paragraph 1 to take fingerprints or a non-intimate sample from an individual only if at the time when the power is to be exercised—
- (a) in the case of fingerprints, the condition in sub-paragraph (2) is met;
 - (b) in the case of a sample, the condition in sub-paragraph (3) is met.
- (2) The condition in the case of fingerprints is that—
- (a) the individual has not had fingerprints taken under paragraph 1 on a previous occasion after the time on which the present TPIM notice came into force, or
 - (b) fingerprints were so taken on a previous occasion after that time but—

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- (i) the fingerprints taken do not constitute a complete set of the individual's fingerprints, or
 - (ii) some or all of the fingerprints taken are not of sufficient quality to allow satisfactory analysis, comparison or matching.
 - (3) The condition in the case of a non-intimate sample is that—
 - (a) the individual has not had a sample of the same type and from the same part of the body taken under paragraph 1 on a previous occasion after the time on which the present TPIM notice came into force, or
 - (b) a sample was so taken on a previous occasion after that time but it proved insufficient.
 - (4) In this paragraph “the present TPIM notice” means the TPIM notice in force at the time when it is proposed to exercise the power to take the fingerprints or sample.
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- (1) A constable may—
 - (a) require an individual to attend a police station for the purposes of taking fingerprints or a non-intimate sample from the individual under paragraph 1, and
 - (b) arrest without warrant an individual who fails to comply with such a requirement.
 - (2) A requirement under sub-paragraph (1)(a)—
 - (a) must give the individual a period of at least 7 days within which the individual must attend the police station (subject to sub-paragraph (4)), and
 - (b) may direct the individual to attend at a specified time of day or between specified times of day.
 - (3) In specifying a period or time or times of day for the purposes of sub-paragraph (2), the constable must consider whether the fingerprints or non-intimate sample could reasonably be taken at a time when the individual is for any other reason required to attend the police station (including, in particular, under measures imposed on the individual by virtue of paragraph 10 of Schedule 1).
 - (4) In giving a requirement under this paragraph a constable may specify a period of shorter than 7 days if—
 - (a) there is an urgent need for the fingerprints or sample for the purposes of the investigation of an offence, and
 - (b) the shorter period is authorised by an officer of at least the rank of inspector.
 - (5) Where an authorisation is given under sub-paragraph (4)(b)—
 - (a) the fact of the authorisation, and
 - (b) the reasons for giving it,
 must be recorded as soon as practicable after it has been given.
 - (6) If the constable who gives a requirement to an individual under this paragraph and the individual agree, it may be varied so as to specify any period within which, or date or time at which, the individual must attend; but a variation does not have effect unless confirmed by the constable in writing.

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