



2015 CHAPTER 9

PART 9

MISCELLANEOUS

*Personal samples, DNA profiles and fingerprints*

**Power to take further fingerprints or non-intimate samples**

**83.**—(1) In Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprinting)—

- (a) in paragraphs (5A) and (5B) for the words after “investigation” in subparagraph (b) substitute “but—
  - (i) paragraph (4A)(a) or (b) applies, or
  - (ii) paragraph (5C) applies.”;
- (b) after paragraph (5B) insert—
  - “(5C) This paragraph applies where—
    - (a) the investigation was discontinued but subsequently resumed, and
    - (b) before the resumption of the investigation the fingerprints were destroyed pursuant to Article 63B(2).”

(2) In Article 63 of that Order (non-intimate samples)—

- (a) at the end of paragraph (3ZA)(b) insert “, or
  - (iii) paragraph (3AA) applies.”;
- (b) in paragraph (3A)(b) for “insufficient; or” substitute “insufficient, or
  - “(iii) paragraph (3AA) applies; or”;

(c) after paragraph (3A) insert—

“(3AA) This paragraph applies where the investigation was discontinued but subsequently resumed, and before the resumption of the investigation—

(a) any DNA profile derived from the sample was destroyed pursuant to Article 63B(2), and

(b) the sample itself was destroyed pursuant to Article 63P(2), (3) or (10).”.

(3) In Schedule 2A to that Order (fingerprinting and samples: power to require attendance at police station)—

(a) in paragraph 1 (fingerprinting: persons arrested and released)—

(i) in sub-paragraph (2) for “Article 61(5A)(b)” substitute “Article 61(5A)(b)(i)”;

(ii) after sub-paragraph (3) insert—

“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 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.”;

(b) in paragraph 2 (fingerprinting: persons charged, etc.)—

(i) in sub-paragraph (2)(b) for “Article 61(5B)(b)” substitute “Article 61(5B)(b)(i)”;

(ii) at the end of sub-paragraph (2) insert “, or

“(c) in a case falling within Article 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.”;

(c) in paragraph 9 (non-intimate samples: persons arrested and released)—

(i) in sub-paragraph (2) for “within Article 63(3ZA)(b)” substitute “within Article 63(3ZA)(b)(i) or (ii)”;

(ii) after sub-paragraph (3) insert—

“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 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.”;

(d) in paragraph 10 (non-intimate samples: person charged etc.)—

(i) in sub-paragraph (3) for “within Article 63(3A)(b)” substitute “within Article 63(3A)(b)(i) or (ii)”;

(ii) after sub-paragraph (4) insert—

“(5) The power under sub-paragraph (1) may not be exercised in a case falling within Article 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.”.