



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 3

#### POLICE AND CRIMINAL EVIDENCE AND THE TERRORISM ACT

##### *Fingerprints and samples*

#### **80**     **Samples**

(1) In sections 62(1)(a) and (1A)(a) and 63(3)(b) of the 1984 Act (authorisation of a police officer of or above the rank of superintendent required for the taking of an intimate or non-intimate sample), for the word “superintendent”, in each place where it occurs, there shall be substituted “inspector”.

(2) <sup>F1</sup>.....

(3) After section 63(5) of the 1984 Act there shall be inserted—

“(5A) An officer shall not give an authorisation under subsection (3) above for the taking from any person of a non-intimate sample consisting of a skin impression if—

- (a) a skin impression of the same part of the body has already been taken from that person in the course of the investigation of the offence; and
- (b) the impression previously taken is not one that has proved insufficient.”

<sup>F2</sup>(4).....

(5) Section 65 of the 1984 Act (supplementary provisions of Part 5) shall become subsection (1) of that section and—

(a) after “this Act—” there shall be inserted—

““analysis”, in relation to a skin impression, includes comparison and matching;”

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*Changes to legislation: There are currently no known outstanding effects for the  
Criminal Justice and Police Act 2001, Section 80. (See end of Document for details)*

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(b) in the definition of “non-intimate sample”, for paragraph (e) (footprints etc.) there shall be substituted—

“(e) a skin impression;”

(c) after the definition of “registered dentist” there shall be inserted—

““skin impression”, in relation to any person, means any record (other than a fingerprint) which is a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of the whole or any part of his foot or of any other part of his body;”

and

(d) in the definition of “sufficient” and “insufficient”, after “means” there shall be inserted “ (subject to subsection (2) below) ”.

(6) After subsection (1) of section 65 of the 1984 Act there shall be inserted—

“(2) References in this Part of this Act to a sample’s proving insufficient include references to where, as a consequence of—

(a) the loss, destruction or contamination of the whole or any part of the sample,

(b) any damage to the whole or a part of the sample, or

(c) the use of the whole or a part of the sample for an analysis which produced no results or which produced results some or all of which must be regarded, in the circumstances, as unreliable,

the sample has become unavailable or insufficient for the purpose of enabling information, or information of a particular description, to be obtained by means of analysis of the sample.”

#### **Textual Amendments**

**F1** S. 80(2) repealed (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), ss. 107, 108(2)-(5), [Sch. 8](#); S.I. 2003/808, [art. 2\(1\)\(iv\)](#)

**F2** S. 80(4) repealed (12.1.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(b), [Sch. 8 Pt. 13](#)

#### **Commencement Information**

**I1** S. 80 partly in force; s. 80 not in force at Royal Assent, see s. 138; s. 80(3)(5)(6) in force at 1.1.2003 by [S.I. 2002/3032](#), [art. 2](#); s. 80(1) wholly in force at 1.4.2003 by [S.I. 2003/708](#), [art. 2\(h\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 80.