



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 10

#### POLICE POWERS

##### *Identification*

#### **91 Searches, examinations and fingerprinting: Northern Ireland**

- (1) After Article 55 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (searches of detained persons) insert—

##### **“55A Searches and examination to ascertain identity**

- (1) If an officer of at least the rank of inspector authorises it, a person who is detained in a police station may be searched or examined, or both—
- (a) for the purpose of ascertaining whether he has any mark that would tend to identify him as a person involved in the commission of an offence; or
  - (b) for the purpose of facilitating the ascertainment of his identity.
- (2) An officer may only give an authorisation under paragraph (1) for the purpose mentioned in sub-paragraph (a) of that paragraph if—
- (a) the appropriate consent to a search or examination that would reveal whether the mark in question exists has been withheld; or
  - (b) it is not practicable to obtain such consent.
- (3) An officer may only give an authorisation under paragraph (1) in a case in which paragraph (2) does not apply if—
- (a) the person in question has refused to identify himself; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) the officer has reasonable grounds for suspecting that that person is not who he claims to be.
- (4) An officer may give an authorisation under paragraph (1) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (5) Any identifying mark found on a search or examination under this Article may be photographed—
  - (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (6) Where a search or examination may be carried out under this Article, or a photograph may be taken under this Article, the only persons entitled to carry out the search or examination, or to take the photograph, are—
  - (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this Article by the Chief Constable;and Article 88 (use of force) applies to the exercise by a person falling within sub-paragraph (b) of the powers conferred by the preceding provisions of this Article as it applies to the exercise of those powers by a constable.
- (7) A person may not under this Article carry out a search or examination of a person of the opposite sex or take a photograph of any part of the body of a person of the opposite sex.
- (8) An intimate search may not be carried out under this Article.
- (9) A photograph taken under this Article—
  - (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (10) In paragraph (9)—
  - (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;and
  - (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.
- (11) In this Article—
  - (a) references to ascertaining a person's identity include references to showing that he is not a particular person; and

- (b) references to taking a photograph include references to using any process by means of which a visual image may be produced, and references to photographing a person shall be construed accordingly.
- (12) In this Article “mark” includes features and injuries; and a mark is an identifying mark for the purposes of this Article if its existence in any person’s case facilitates the ascertainment of his identity or his identification as a person involved in the commission of an offence.”
- (2) In Article 61(4) of that Order (grounds on which fingerprinting of person detained at a police station may be authorised)—
  - (a) in sub-paragraph (b), after “his involvement” insert “or will facilitate the ascertainment of his identity (within the meaning of Article 55A), or both”; and
  - (b) after that sub-paragraph insert—

“but an authorisation shall not be given for the purpose only of facilitating the ascertainment of that person’s identity except where he has refused to identify himself or the officer has reasonable grounds for suspecting that he is not who he claims to be.”