
STATUTORY INSTRUMENTS

2007 No. 288

**The Police and Criminal Evidence
(Amendment) (Northern Ireland) Order 2007**

PART VI

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

Fingerprinting

30.—(1) Article 61 of PACE (fingerprinting) is amended as follows.

(2) After paragraph (4) insert—

“(4A) Where a person mentioned in sub-paragraph (a) of paragraph (3) or (4) has already has his fingerprints taken in the course of the investigation of the offence by the police, that fact shall be disregarded for the purposes of that paragraph if—

- (a) the fingerprints taken on the previous occasion do not constitute a complete set of his fingerprints; or
- (b) some or all of the fingerprints taken on the previous occasion are not of sufficient quality to allow satisfactory analysis, comparison or matching (whether in the case in question or generally).

(4AA) The fingerprints of a person who has answered to bail at a court or police station may be taken without the appropriate consent at the court or station if—

- (a) the court, or
- (b) an officer of at least the rank of inspector,

authorises them to be taken.

(4B) A court or officer may only give an authorisation under paragraph (4AA) if—

- (a) the person who has answered to bail has answered to it for a person whose fingerprints were taken on a previous occasion and there are reasonable grounds for believing that he is not the same person; or
- (b) the person who has answered to bail claims to be a different person from a person whose fingerprints were taken on a previous occasion.”

(5) An officer may give an authorisation under paragraph (4AA) orally or in writing, but if he gives it orally he shall confirm it in writing as soon as is practicable.”

(3) In paragraph (6) for “he has been convicted of a recordable offence” substitute—

- “(a) he has been convicted of a recordable offence; or
- (b) he has been given a caution in respect of a recordable offence which, at the time of the caution, he has admitted.”

(4) After paragraph (6) insert—

“(6A) A constable may take a person’s fingerprints without the appropriate consent if—

- (a) the constable reasonably suspects that the person is committing or attempting to commit an offence, or has committed or attempted to commit an offence; and
- (b) either of the two conditions mentioned in paragraph (6B) is met.

(6B) The conditions are that—

- (a) the name of the person is unknown to, and cannot be readily ascertained by, the constable;
- (b) the constable has reasonable grounds for doubting whether a name furnished by the person as his name is his real name.

(6C) The taking of fingerprints by virtue of paragraph (6A) does not count for any of the purposes of this Order as taking them in the course of the investigation of an offence by the police.”

(5) In paragraph (7), for “or (6)” substitute “, (6) or (6A)”.

(6) In paragraph (7A)—

- (a) after “police station,” insert “or by virtue of paragraph (6A) at a place other than a police station,”
- (b) in sub-paragraph (a), after “an officer” insert “(or, in a paragraph (6A) case, the constable)”.

(7) After paragraph (8A) insert—

“(8B) Where a person’s fingerprints are taken electronically, they must be taken only in such manner, and using such devices, as the Secretary of State has approved for the purposes of electronic fingerprinting.”