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STATUTORY INSTRUMENTS

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**2007 No. 288**

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

**PART VI**

**QUESTIONING AND TREATMENT OF PERSONS BY POLICE**

**Fingerprints and samples: supplementary**

**34.**—(1) Article 63A of PACE (fingerprints and samples: supplementary provisions) is amended as follows.

(2) For paragraphs (1) and (1A) substitute—

“(1) Where a person has been arrested on suspicion of being involved in a recordable offence or has been charged with such an offence or has been informed that he will be reported for such an offence, fingerprints, impressions of footwear or samples or the information derived from samples taken under any power conferred by this Part from the person may be checked against—

- (a) other fingerprints, impressions of footwear or samples to which the person seeking to check has access and which are held by or on behalf of any one or more relevant law-enforcement authorities or which are held in connection with or as a result of an investigation of an offence;
- (b) information derived from other samples if the information is contained in records to which the person seeking to check has access and which are held as mentioned in sub-paragraph (a).

(1ZA) Fingerprints taken by virtue of Article 61(6A) may be checked against other fingerprints to which the person seeking to check has access and which are held by or on behalf of any one or more relevant law-enforcement authorities or which are held in connection with or as a result of an investigation of an offence.”.

(1A) In paragraphs (1) and (1ZA) “relevant law-enforcement authority” means—

- (a) a police force;
- (b) the Serious Organised Crime Agency;
- (c) a public authority (not falling within sub-paragraph (a) or (b)) with functions in any part of the British Islands which consist of or include the investigation of crimes or the charging of offenders;
- (d) any person with functions in any country or territory outside the United Kingdom which—
  - (i) correspond to those of a police force; or
  - (ii) otherwise consist of or include the investigation of conduct contrary to the law of that country or territory, or the apprehension of persons guilty of such conduct;

- (e) any person with functions under any international agreement which consist of or include the investigation of conduct which is—
  - (i) unlawful under the law of one or more places;
  - (ii) prohibited by such an agreement; or
  - (iii) contrary to international law;or the apprehension of persons guilty of such conduct.

(1B) The reference in paragraph (1A) to a police force is a reference to any of the following—

- (a) the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;
- (b) any police force maintained under section 2 of the Police Act 1996 (c. 16);
- (c) the metropolitan police force;
- (d) the City of London police force;
- (e) any police force maintained under section 1 of the Police (Scotland) Act 1967 (c. 77);
- (f) the Ministry of Defence Police;
- (g) the Royal Navy Regulating Branch;
- (h) the Royal Military Police;
- (i) the Royal Air Force Police;
- (j) the Royal Marines Police;
- (k) the British Transport Police;
- (l) the States of Jersey Police Force
- (m) the salaried police force of the Island of Guernsey;
- (n) the Isle of Man Constabulary.

(1C) Where—

- (a) fingerprints, impressions of footwear or samples have been taken from any person in connection with the investigation of an offence but otherwise than in circumstances to which paragraph (1) applies, and
- (b) that person has given his consent in writing to the use in a speculative search of the fingerprints, of the impressions of footwear or of the samples and of information derived from them,

the fingerprints or impressions of footwear or, as the case may be, those samples and that information may be checked against any of the fingerprints, impressions of footwear, samples or information mentioned in sub-paragraph (a) or (b) of that paragraph.

(1D) A consent given for the purposes of paragraph (1C) shall not be capable of being withdrawn.”.