Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V E+W

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

61 Finger-printing. E+W

(1) Except as provided by this section no person's fingerprints may be taken without the appropriate consent.

(2) Consent to the taking of a person's fingerprints must be in writing if it is given at a time when he is at a police station.

[F1(3) The fingerprints of a person detained at a police station may be taken without the appropriate consent if—

(a) he is detained in consequence of his arrest for a recordable offence; and

(b) he has not had his fingerprints taken in the course of the investigation of the offence by the police.]

[F2(3A) [F3Where a person mentioned in paragraph (a) of subsection (3) or (4) has already had 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 subsection 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).]

[F4(4) The fingerprints of a person detained at a police station may be taken without the appropriate consent if—

(a) he has been charged with a recordable offence or informed that he will be reported for such an offence; and

(b) he has not had his fingerprints taken in the course of the investigation of the offence by the police.]

Status: *Point in time view as at 05/04/2004. This version of this provision has been superseded.*
Changes to legislation: *Police and Criminal Evidence Act 1984, Section 61 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F5](4A) 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 subsection (4A) 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 **[**[F6]subsection (4A)**]** above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.

(6) Any person's fingerprints may be taken without the appropriate consent if

[[F7](a) he has been convicted of a recordable offence;

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

(c) he has been warned or reprimanded under section 65 of the Crime and Disorder Act 1998 (c. 37) for a recordable offence.**]**

(7) In a case where by virtue of **[**[F8]subsection (3), (4) or (6)**]** above a person's fingerprints are taken without the appropriate consent—

(a) he shall be told the reason before his fingerprints are taken; and

(b) the reason shall be recorded as soon as is practicable after the fingerprints are taken.

[[F9](7A) If a person's fingerprints are taken at a police station, whether with or without the appropriate consent—

(a) before the fingerprints are taken, an officer shall inform him that they may be the subject of a speculative search; and

(b) the fact that the person has been informed of this possibility shall be recorded as soon as is practicable after the fingerprints have been taken.**]**

(8) If he is detained at a police station when the fingerprints are taken, the reason for taking them **[**[F10]and, in the case falling within subsection (7A) above, the fact referred to in paragraph (b) of that subsection**]** shall be recorded on his custody record.

[[F11](8B) The power to take the fingerprints of a person detained at a police station without the appropriate consent shall be exercisable by any constable.**]**

(9) Nothing in this section—

(a) affects any power conferred by paragraph 18(2) of Schedule 2 to the [M1]Immigration Act 1971; or

[[F12](b) applies to a person arrested or detained under the terrorism provisions.**]**

[[F13](10) Nothing in this section applies to a person arrested under an extradition arrest power.**]**

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Textual Amendments

F1 S. 61(3) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 9(2)**, 336; S.I. 2004/829, **art. 2(1)(2)(a)** (subject to art. 2(3)-(6))

F2 S. 61(3A) inserted (1.1.2003) by 2001 c. 16, s. 78(3); S.I. 2002/3032, **art. 2(a)**

F3 Words in s. 61(3A) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 9(3)**, 336; S.I. 2004/829, **art. 2(1)(2)(a)** (subject to art. 2(3)-(6))

F4 S. 61(4) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 9(2)**, 336; S.I. 2004/829, **art. 2(1)(2)(a)** (subject to art. 2(3)-(6))

F5 S. 61(4A)(4B) inserted (1.1.2003) by 2001 c. 16, s. 78(4); S.I. 2002/3032, **art. 2(a)**

F6 Words in s. 61(5) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 9(4)**, 336; S.I. 2004/829, **art. 2(1)(2)(a)** (subject to art. 2(3)-(6))

F7 S. 61(6)(a)-(c) substituted (1.1.2003) for words in s. 61(6) by 2001 c. 16, s. 78(6); S.I. 2002/3032, **art. 2(a)**

F8 Words in s. 61(7) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 9(5)**, 336; S.I. 2004/829, **art. 2(1)(2)(a)** (subject to art. 2(3)-(6))

F9 S. 61(7A) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 56(a)**; S.I. 1995/721, art. 2, **Sch.** Appendix A

F10 Words in s. 61(8) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 56(b)**; S.I. 1995/721, art. 2, **Sch.** Appendix A

F11 S. 61(8B) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), s. 107, **Sch. 7 para. 9(3)**; S.I. 2002/2750, **art. 2(b)(ii)**

F12 S. 61(9)(b) substituted (19.2.2001) by 2000 c. 11, s. 125, **Sch. 15 para. 5(7)** (with s. 129(1)); S.I. 2001/421 art. 2

F13 S. 61(10) inserted (1.1.2004) by Extradition Act 2003 (c. 41), **ss. 169(3)**, 221; S.I. 2003/3103, **art. 2** (subject to savings in Order (as amended by S.I. 2003/3312, art. 2(2) and S.I. 2003/3258, art. 2(2)))

Modifications etc. (not altering text)

C1 S. 61 applied (with modifications) by S.I. 1985/1882, **art. 6**

C2 S. 61 modified (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 3(2)**; and s. 61 modified by the said S.I. 1993/1813, art. 6, **Sch. 3 para. 3** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, **Sch. 3 para. 4**
S. 61(1) applied (1.2.1997) by S.I. 1997/15, art. 2(1), **Sch.**
S. 61(2)-(7A) applied (with modifications) (1.2.1997) by S.I. 1997/15, art. 2(1), **Sch.**

C3 S. 61 extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 3 para. 29(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

C4 S. 61 applied (with modifications) (31.12.2006) by The Police and Criminal Evidence Act 1984 (Application to the Armed Forces) Order 2006 (S.I. 2006/2015), arts. 2, 3, **Schs. 1-3**

C5 S. 61(1)-(8) modified (E.W.) (temp.) by Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4, SIF 39:2), ss. 15(10), 16(1)(3)(4), 27(5), **Sch. 5 para. 7(6)**

C6 S. 61(7A)(a) modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 3 para. 29(b)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

Marginal Citations

M1 1971 c. 77.

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