



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART IV

POLICE POWERS

Powers of police to take body samples

55 Powers of police to take non-intimate body samples.

- (1) Section 63 of the Police and Criminal Evidence Act 1984 (regulation of taking of non-intimate samples) shall be amended as follows.
- (2) After subsection (3), there shall be inserted the following subsections—
 - “(3A) A non-intimate sample may be taken from a person (whether or not he falls within subsection (3)(a) above) 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) either he has not had a non-intimate sample taken from him in the course of the investigation of the offence by the police or he has had a non-intimate sample taken from him but either it was not suitable for the same means of analysis or, though so suitable, the sample proved insufficient.
 - (3B) A non-intimate sample may be taken from a person without the appropriate consent if he has been convicted of a recordable offence.”
- (3) In subsection (4), in paragraph (a), for the words “serious arrestable offence” there shall be substituted the words “recordable offence”.
- (4) After subsection (8), there shall be inserted the following subsection—

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 55 is up to date with all changes known to be in force on or before 11 August 2023. 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) [View outstanding changes](#)

“(8A) In a case where by virtue of subsection (3A) or (3B) a sample is taken from a person without the appropriate consent—

- (a) he shall be told the reason before the sample is taken; and
- (b) the reason shall be recorded as soon as practicable after the sample is taken.”.

(5) In subsection (9), after the words “subsection (8)” there shall be inserted the words “or (8A)”.

^{F1}(6)

Textual Amendments

F1 [S. 55\(6\)](#) repealed (19.3.1997) by [1997 c. 17, ss. 1\(1\), 6\(3\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)