



Criminal Evidence (Amendment) Act 1997

1997 CHAPTER 17

Extension of power to take non-intimate body samples without consent

1 Persons imprisoned or detained by virtue of pre-existing conviction for sexual offence etc.

- (1) This section has effect for removing, in relation to persons to whom this section applies, the restriction on the operation of section 63(3B) of the Police and Criminal Evidence Act 1984 (power to take non-intimate samples without the ^{M1}appropriate consent from persons convicted of recordable offences)—
 - (a) which is imposed by the subsection (10) inserted in section 63 by section 55(6) of the ^{M2}Criminal Justice and Public Order Act 1994, and
 - (b) by virtue of which section 63(3B) does not apply to persons convicted before 10th April 1995.
- (2) Accordingly, in section 63 of the 1984 Act, for the subsection (10) referred to in subsection (1) above there shall be substituted—

“(9A) Subsection (3B) above shall not apply to any person convicted before 10th April 1995 unless he is a person to whom section 1 of the Criminal Evidence (Amendment) Act 1997 applies (persons imprisoned or detained by virtue of pre-existing conviction for sexual offence etc.).”
- (3) This section applies to a person who was convicted of a recordable offence before 10th April 1995 if—
 - (a) that offence was one of the offences listed in Schedule 1 to this Act (which lists certain sexual, violent and other offences), and
 - (b) [^{F1} he has at any time served or]at the relevant time he is serving a sentence of imprisonment in respect of that offence.
- (4) This section also applies to a person who was convicted of a recordable offence before 10th April 1995 if—
 - (a) that offence was one of the offences listed in Schedule 1 to this Act, and

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(b) [^{F2}he has at any time been detained or] at the relevant time he is detained under Part III of the ^{M3}Mental Health Act 1983 in pursuance of—

(i) a hospital order or interim hospital order made following that conviction, ^{F3}...

^{F3}(ii)

Expressions used in this subsection and in the ^{M4}Mental Health Act 1983 have the same meaning as in that Act.

(5) Where a person convicted of a recordable offence before 10th April 1995 was, following his conviction for that and any other offence or offences, sentenced to two or more terms of imprisonment (whether taking effect consecutively or concurrently), he shall be treated for the purposes of this section as serving a sentence of imprisonment in respect of that offence at any time when serving any of those terms.

(6) For the purposes of this section, references to a person serving a sentence of imprisonment include references—

(a) to his being detained in any institution to which the ^{M5}Prison Act 1952 applies in pursuance of any other sentence or order for detention imposed by a court in criminal proceedings, or

(b) to his being detained (otherwise than in any such institution) in pursuance of directions of the Secretary of State under [^{F4}section 92 of the Powers of Criminal Courts (Sentencing) Act 2000];

and any reference to a term of imprisonment shall be construed accordingly.

Textual Amendments

- F1** Words in s. 1(3)(b) inserted (7.3.2011) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 2(9)(a)**, 59(1); [S.I. 2011/414](#), **art. 2(b)**
- F2** Words in s. 1(4)(b) inserted (7.3.2011) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 2(9)(b)(i)**, 59(1); [S.I. 2011/414](#), **art. 2(b)**
- F3** S. 1(4)(b)(ii) and preceding word repealed (7.3.2011) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 2(9)(b)(ii)**, 59(1); [S.I. 2011/414](#), **art. 2(b)**
- F4** Words in s. 1(6) substituted (25.8.2000) by [2000 c. 6](#), **ss. 165**, 168(1), **Sch. 9 para. 180**

Marginal Citations

- M1** [1984 c. 60](#).
- M2** [1994 c. 33](#).
- M3** [1983 c. 20](#).
- M4** [1983 c. 20](#).
- M5** [1952 c. 52](#).

Changes to legislation:

There are currently no known outstanding effects for the Criminal Evidence (Amendment) Act 1997, Section 1.