



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 3

#### POLICE AND CRIMINAL EVIDENCE AND THE TERRORISM ACT

##### *Fingerprints and samples*

#### **81 Speculative searches**

(1) In subsection (1)(a) of section 63A of the 1984 Act (speculative searches against records held by or on behalf of specified police forces), for “a police force (or police forces) falling within subsection (1A) below or” there shall be substituted “any one or more relevant law-enforcement authorities or which”.

(2) For subsection (1A) of that section (specified police forces) there shall be substituted—

“(1A) In subsection (1) above “relevant law-enforcement authority” means—

- (a) a police force;
- (b) the National Criminal Intelligence Service;
- (c) the National Crime Squad;
- (d) a public authority (not falling within paragraphs (a) to (c)) with functions in any part of the British Islands which consist of or include the investigation of crimes or the charging of offenders;
- (e) 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;
- (f) 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,

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*Changes to legislation: There are currently no known outstanding effects for the  
Criminal Justice and Police Act 2001, Section 81. (See end of Document for details)*

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(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 subsection (1A) above to a police force is a reference to any of the following—

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

(1C) Where—

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

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

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

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 81.