



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 1

#### POWERS TO GATHER AND SHARE INFORMATION

##### *Power to take fingerprints and samples from person subject to control order*

#### **12 Power to take fingerprints and samples: Northern Ireland**

- (1) In Article 53(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (interpretation of Part VI), at the appropriate places insert—
  - ““control order” has the same meaning as in the Prevention of Terrorism Act 2005;”;
  - ““person subject to a control order” means a person who has become bound by a control order (see section 7(8) of the Prevention of Terrorism Act 2005) that remains in force;”.
- (2) In Article 61 of that Order (fingerprinting), after paragraph (6B) insert—

“(6BA) A constable may take a person’s fingerprints without the appropriate consent if the person is subject to a control order.”.
- (3) In Article 63 of that Order (other samples), after paragraph (3B) insert—

“(3C) A non-intimate sample may also be taken from a person without the appropriate consent if the person is subject to a control order.”.
- (4) In Article 63A of that Order (fingerprints and samples: supplementary provisions)—
  - (a) in paragraph (1) (checking against other fingerprints and samples), after “reported for such an offence” insert “or he is or has been subject to a control order”;
  - (b) after paragraph (6) insert—

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*Status: This is the original version (as it was originally enacted).*

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- “(6A) A constable may require a person who is subject to a control order to attend a police station in order to—
- (a) have his fingerprints taken in accordance with Article 61(6BA);
  - (b) have a non-intimate sample taken in accordance with Article 63(3C).”.

(5) In Article 64 of that Order (destruction of fingerprints and samples), after paragraph (1A) insert—

“(1AA) Where fingerprints or samples are taken from a person who is subject to a control order the fingerprints or samples may be retained after they have fulfilled the purposes for which they were taken but shall not be used by any person except as described in paragraph (1AB).”.

(6) The following amendments of that Order are consequential on those above—

    - (a) in Article 61—
      - (i) in paragraph (6C) after “paragraph (6A)” insert “or (6BA)”;
      - (ii) in paragraph (7) for “or (6A)” substitute “, (6A) or (6BA)”;
      - (iii) in paragraph (7A) after “paragraph (6A)”, in both places where it occurs, insert “or (6BA)”;
    - (b) in Article 63—
      - (i) in paragraph (8A) for “or (3B)” substitute “, (3B) or (3C)”;
      - (ii) in the opening words of paragraph (8B) after “police station” insert “or by virtue of paragraph (3C) at a place other than a police station”;
      - (iii) in sub-paragraph (a) of that paragraph after “officer” insert “(or, in a paragraph (3C) case, a constable)”;
    - (c) in Article 63A(7) after “paragraph (4)” insert “or (6A)”;
    - (d) in Article 64(1B), after “paragraph (1A)” insert “, (1AA)”.