



Crime and Security Act 2010

2010 CHAPTER 17

Taking of fingerprints and samples: Northern Ireland

10 Information to be given on taking of material

Fingerprinting

- (1) In Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprinting), for paragraph (7) there is substituted—

“(7) Where a person’s fingerprints are taken without the appropriate consent by virtue of any power conferred by this Article—

- (a) before the fingerprints are taken, the person shall be informed of—
 - (i) the reason for taking the fingerprints;
 - (ii) the power by virtue of which they are taken; and
 - (iii) in a case where the authorisation of the court or an officer is required for the exercise of the power, the fact that the authorisation has been given; and
- (b) those matters shall be recorded as soon as practicable after the fingerprints are taken.”

- (2) In that Article, in paragraph (7A)—

- (a) for “paragraph (6A)”, in the first place, there is substituted “paragraph (4AA), (6A)”; and
- (b) in paragraph (a), for the words from “(or” to “constable)” there is substituted “(or, where by virtue of paragraph (4AA), (6A) or (6BA) the fingerprints are taken at a place other than a police station, the constable taking the fingerprints)”.

- (3) In that Article, in paragraph (8) (requirement to record reason for taking fingerprints on custody record), for “the reason for taking them” there is substituted “the matters referred to in paragraph (7)(a)(i) to (iii)”.

Intimate samples

Status: This is the original version (as it was originally enacted).

- (4) In Article 62 of that Order (intimate samples), for paragraphs (5) to (7A) there is substituted—
- “(5) Before an intimate sample is taken from a person, an officer shall inform him of the following—
- (a) the reason for taking the sample;
 - (b) the fact that authorisation has been given and the provision of this Article under which it has been given; and
 - (c) if the sample was taken at a police station, the fact that the sample may be the subject of a speculative search.
- (6) The reason referred to in paragraph (5)(a) must include, except in a case where the intimate sample is taken under paragraph (2A), a statement of the nature of the offence in which it is suspected that the person has been involved.
- (7) After an intimate sample has been taken from a person, the following shall be recorded as soon as practicable—
- (a) the matters referred to in paragraph (5)(a) and (b);
 - (b) if the sample was taken at a police station, the fact that the person has been informed as specified in paragraph (5)(c); and
 - (c) the fact that the appropriate consent was given.”

(5) In that Article, in paragraph (8), the words “or (7A)” are repealed.

(6) In the Police (Northern Ireland) Act 2003, in Part 2 of Schedule 2 (powers exercisable by detention officers), in paragraph 16 (warnings about intimate samples), for “Article 62(7A)(a)” there is substituted “Article 62(5)(c)”.

Non-intimate samples

- (7) In Article 63 of that Order (non-intimate samples), for paragraphs (6) to (8A) there is substituted—
- “(6) Where a non-intimate sample is taken from a person without the appropriate consent by virtue of any power conferred by this Article—
- (a) before the sample is taken, an officer shall inform him of—
 - (i) the reason for taking the sample;
 - (ii) the power by virtue of which it is taken; and
 - (iii) in a case where the authorisation of an officer is required for the exercise of the power, the fact that the authorisation has been given; and
 - (b) those matters shall be recorded as soon as practicable after the sample is taken.
- (7) The reason referred to in paragraph (6)(a)(i) must include, except in a case where the non-intimate sample is taken under paragraph (3B) or (3D), a statement of the nature of the offence in which it is suspected that the person has been involved.”
- (8) In that Article, in paragraph (9) (requirement to record matters on custody record), for “paragraph (8), (8A) or (8B)” there is substituted “paragraph (6) or (8B)”.