



Crime and Security Act 2010

2010 CHAPTER 17

Taking of fingerprints and samples: England and Wales

3 Powers to take material in relation to offences outside England and Wales

Fingerprinting

- (1) In section 61 of the Police and Criminal Evidence Act 1984 (fingerprinting), after subsection (6C) there is inserted—

“(6D) Subject to this section, the fingerprints of a person may be taken without the appropriate consent if—

- (a) under the law in force in a country or territory outside England and Wales the person has been convicted of an offence under that law (whether before or after the coming into force of this subsection and whether or not he has been punished for it);
- (b) the act constituting the offence would constitute a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted); and
- (c) either of the conditions mentioned in subsection (6E) below is met.

(6E) The conditions referred to in subsection (6D)(c) above are—

- (a) the person has not had his fingerprints taken on a previous occasion under subsection (6D) above;
- (b) he has had his fingerprints taken on a previous occasion under that subsection but subsection (3A)(a) or (b) above applies.

(6F) Fingerprints may only be taken as specified in subsection (6D) above with the authorisation of an officer of at least the rank of inspector.

(6G) An officer may only give an authorisation under subsection (6F) above if the officer is satisfied that taking the fingerprints is necessary to assist in the prevention or detection of crime.”

Intimate samples

(2) In section 62 of that Act (intimate samples), after subsection (2) there is inserted—

“(2A) An intimate sample may be taken from a person where—

- (a) two or more non-intimate samples suitable for the same means of analysis have been taken from the person under section 63(3E) below (persons convicted of offences outside England and Wales etc) but have proved insufficient;
- (b) a police officer of at least the rank of inspector authorises it to be taken; and
- (c) the appropriate consent is given.

(2B) An officer may only give an authorisation under subsection (2A) above if the officer is satisfied that taking the sample is necessary to assist in the prevention or detection of crime.”

(3) In that section, in subsection (3), after “or (1A)” there is inserted “or (2A)”.

Non-intimate samples

(4) In section 63 of that Act (non-intimate samples), after subsection (3D) there is inserted—

“(3E) Subject to this section, a non-intimate sample may be taken without the appropriate consent from a person if—

- (a) under the law in force in a country or territory outside England and Wales the person has been convicted of an offence under that law (whether before or after the coming into force of this subsection and whether or not he has been punished for it);
- (b) the act constituting the offence would constitute a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted); and
- (c) either of the conditions mentioned in subsection (3F) below is met.

(3F) The conditions referred to in subsection (3E)(c) above are—

- (a) the person has not had a non-intimate sample taken from him on a previous occasion under subsection (3E) above;
- (b) he has had such a sample taken from him on a previous occasion under that subsection but—
 - (i) the sample was not suitable for the same means of analysis, or
 - (ii) it proved insufficient.

(3G) A non-intimate sample may only be taken as specified in subsection (3E) above with the authorisation of an officer of at least the rank of inspector.

(3H) An officer may only give an authorisation under subsection (3G) above if the officer is satisfied that taking the sample is necessary to assist in the prevention or detection of crime.”

Interpretation

(5) In section 65 of that Act (interpretation), in subsection (1), after the definition of “non-intimate sample” there is inserted—

““offence”, in relation to any country or territory outside England and Wales, includes an act punishable under the law of that country or territory, however it is described;”.

(6) In that section, at the end there is inserted—

- “(3) For the purposes of this Part, a person has in particular been convicted of an offence under the law of a country or territory outside England and Wales if—
- (a) a court exercising jurisdiction under the law of that country or territory has made in respect of such an offence a finding equivalent to a finding that the person is not guilty by reason of insanity; or
 - (b) such a court has made in respect of such an offence a finding equivalent to a finding that the person is under a disability and did the act charged against him in respect of the offence.”