
Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 10. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DETENTION UNDER SECTION 27

PART 2

RIGHTS OF PERSONS DETAINED UNDER SECTION 27: ENGLAND, WALES AND NORTHERN IRELAND

Taking of intimate and non-intimate samples

- 10 (1) [This paragraph](#) applies where a person is detained under [section 27](#) in England, Wales or Northern Ireland.
- (2) Fingerprints may be taken from the detained person only if they are taken by a constable—
- (a) with the appropriate consent given in writing, or
 - (b) without that consent under [sub-paragraph \(4\)](#).
- (3) A non-intimate sample may be taken from the detained person only if it is taken by a constable—
- (a) with the appropriate consent given in writing, or
 - (b) without that consent under [sub-paragraph \(4\)](#).
- (4) Fingerprints or a non-intimate sample may be taken from the detained person without the appropriate consent only if—
- (a) the person is detained at a police station and a police officer of at least the rank of superintendent authorises the fingerprints or sample to be taken (but see [sub-paragraphs \(6\) and \(7\)](#)), or
 - (b) the person has been convicted of a recordable offence and, where a non-intimate sample is to be taken, the person was convicted of the offence on or after 10th April 1995 (or 29th July 1996 where the non-intimate sample is to be taken in Northern Ireland).
- (5) An intimate sample may be taken from the detained person only if—
- (a) the person is detained at a police station,
 - (b) the appropriate consent is given in writing,
 - (c) a police officer of at least the rank of superintendent authorises the sample to be taken (but see [sub-paragraph \(6\)](#)), and
 - (d) subject to [paragraph 13\(2\)](#) and [\(3\)](#), the sample is taken by a constable.
- (6) An officer may give an authorisation under [sub-paragraph \(4\)\(a\)](#) or [\(5\)\(c\)](#) only if—
- (a) the officer reasonably suspects that the detained person has been involved in foreign power threat activity, and

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- (b) the officer reasonably believes that the fingerprints or sample will tend to confirm or disprove the person's involvement.
- (7) An officer may also give an authorisation under [sub-paragraph \(4\)\(a\)](#) for the taking of fingerprints if—
- (a) the officer is satisfied that the detained person's fingerprints will help determine the person's identity, and
 - (b) the person has refused to identify themselves or the officer has reasonable grounds for suspecting that the person is not who they claim to be.
- (8) In [this paragraph](#) references to determining a person's identity include showing that the detained person is not a particular person.
- (9) If an authorisation under [sub-paragraph \(4\)\(a\)](#) or [\(5\)\(c\)](#) is given orally, the person giving it must confirm it in writing as soon as is reasonably practicable.

Commencement Information

- I1** Sch. 6 para. 10 not in force at Royal Assent, see 100(1)
- I2** [Sch. 6 para. 10](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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