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STATUTORY INSTRUMENTS

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**2007 No. 1162**

**POLICE, ENGLAND AND WALES**

**The Police (Fingerprints) Regulations 2007**

<i>Made</i>	- - - -	<i>2nd April 2007</i>
<i>Laid before Parliament</i>		<i>4th April 2007</i>
<i>Coming into force</i>	- -	<i>1st May 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 50 and 51 of the Police Act 1996<sup>(1)</sup>.

In accordance with section 63(3) of that Act he has supplied a draft of regulations 1 and 3 to the Police Advisory Board for England and Wales and has taken into account the representations of that Board.

**Citation and commencement**

1. These Regulations may be cited as the Police (Fingerprints) Regulations 2007 and shall come into force on 1st May 2007.

**Amendments to the Special Constables Regulations 1965**

2.—(1) The Special Constables Regulations 1965<sup>(2)</sup> are amended as follows.

(2) After regulation 1 insert the following regulation—

**“Fingerprints**

1A.—(1) Every special constable shall in accordance with the directions of the chief officer have his fingerprints taken.

(2) Fingerprints of special constables taken in accordance with paragraph (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that paragraph or regulation 18(1) of the Police Regulations 2003<sup>(3)</sup>.

(3) The fingerprints of a special constable taken in accordance with paragraph (1) or regulation 18(1) of the Police Regulations 2003 and all copies and records of those fingerprints

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(1) 1996 c.16; there are amendments to sections 50 and 51 which are not relevant to these Regulations, and section 51 was amended by section 128(1) of the Police Act 1997 (c. 50).  
(2) S.I. 1965/536; following consolidation of section 34 of the Police Act 1964 (c. 48) the Regulations have effect as if made under section 51 of the Police Act 1996.  
(3) S.I. 2003/527; there are amendments to those Regulations which are not relevant to these Regulations.

shall be destroyed on his ceasing to be a special constable for the police area for which he is appointed, except that—

- (a) if on his ceasing to be a special constable he becomes a member of the police force maintained for that area, his fingerprints shall be kept in accordance with regulation 18(2) of the Police Regulations 2003, and
- (b) if on his ceasing to be a special constable for that police area he becomes a member of another police force or is appointed as a special constable for another police area, his fingerprints and all copies and records of those fingerprints shall be transferred to the chief officer of that other police force and kept in accordance with regulation 18(2) of the Police Regulations 2003 or paragraph (2) as the case may be.”.

### **Amendments to the Police Regulations 2003**

**3.**—(1) Regulation 18 of the Police Regulations 2003 (fingerprints) is amended as follows.

(2) In paragraph (2) after “in accordance with that paragraph” insert “or regulation 1A(1) of the Special Constables Regulations 1965”.

(3) For paragraph (3) substitute—

“(3) The fingerprints of a member of a police force taken in accordance with paragraph (1) or regulation 1A(1) of the Special Constables Regulations 1965 and all copies and records of those fingerprints shall be destroyed on his ceasing to be a member of that force, except that—

- (a) if on his ceasing to be a member of that force he becomes a special constable for the police area for which that force is maintained, his fingerprints shall be kept in accordance with regulation 1A(2) of the Special Constables Regulations 1965, and
- (b) if by reason of a statutory transfer he becomes a member of another force, or if he is appointed as a special constable for another police area, his fingerprints and all copies and records of those fingerprints shall be transferred to the chief officer of that other police force and kept in accordance with paragraph (2) or regulation 1A(2) of the Special Constables Regulations 1965 as the case may be.”.

Home Office  
2nd April 2007

*Tony McNulty*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Special Constables Regulations 1965 and the Police Regulations 2003. Regulation 2 amends the Special Constables Regulations 1965 by inserting a new regulation 1A (fingerprints). This regulation makes provision for special constables to provide fingerprints as directed by their chief officer. Their fingerprints are to be kept separate from other persons' fingerprints (except for those of regular police officers), and provision is made for the destruction of a special constable's fingerprints when he leaves the force (save if he becomes a regular member of the force or transfers to another force).

The existing provisions relating to the fingerprints of regular officers, contained in regulation 18 of the Police Regulations 2003 (fingerprints), are amended by regulation 3 to mirror the new requirements for special constables. The effect of these amendments are that the fingerprints of regular officers do not have to be kept separate from the fingerprints of special constables, and do not have to be destroyed if a regular officer, on ceasing to be a member of the force, becomes a special constable at that force or transfers to another force.