

**EXPLANATORY MEMORANDUM TO  
THE POLICE (FINGERPRINTS) REGULATIONS 2007**

**2007 No. 1162**

**1** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These Regulations impose a requirement for special constables to provide fingerprints for elimination purposes at scenes of crime, and modify the existing requirement as to how fingerprints of regular officers are kept. Provision is made for the destruction of fingerprints if a special constable or regular officer leaves his force. However, there are some exceptions about destruction of prints. First, where a special constable becomes a regular officer or a regular officer becomes a special, in either case in the same force, then his fingerprints are kept by that force. Second, where a special constable joins another force either as a special or regular officer, or where a regular officer becomes a member of another force by reason of a statutory transfer or is appointed as a special constable for another force, then his fingerprints records are transferred to that other police force.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 These Regulations amend the Special Constables Regulations 1965 and the Police Regulations 2003 which set out, inter alia, the government, administration and conditions of service of special constables and regular officers respectively. These Regulations are made to reflect the agreements reached by the Police Advisory Board for England and Wales (PABEW) mentioned in section 7 below.

**5. Extent**

5.1 This instrument applies to England and Wales

**6. European Convention on Human Rights**

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The PABEW agreed on 9<sup>th</sup> February 2005 that the fingerprints of police officers and others whose fingerprints are to be held on the Police Elimination Database (the PEDb) would have to be taken and stored in accordance with an agreed protocol. Prints taken and stored on the PEDb are kept separately from prints taken for other purposes (i.e. under the Police and Criminal Evidence Act 1984). The Home Secretary agreed that the protocol should be observed at all times by all police forces. The protocol and guidance on fingerprinting procedure was issued under cover of Home Office Circular 23/2005 on 21<sup>st</sup> April 2005.

7.2 The protocol contains guidance to the effect that special constables and police staff likely to come into contact with scenes of crime should be encouraged to provide fingerprints. Having looked again at the issue as it affects special constables, the PABEW agreed that specials should be required to provide fingerprints for elimination purposes.

7.3 The PABEW has considered more recently the existing provisions relating to the fingerprints of regular officers and agreed that the prints of such officers do not have to be destroyed if they become a special constable at the same or another force, or if they are statutorily transferred to become a member of another force.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

9.1 Mark Stephenson at the Home Office Tel: 020 7035 1887 or e-mail: [mark.stephenson@homeoffice.gsi.gov.uk](mailto:mark.stephenson@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.