

---

STATUTORY INSTRUMENTS

---

**1989 No. 1341**

**The Police and Criminal Evidence  
(Northern Ireland) Order 1989**

**PART VI**

**QUESTIONING AND TREATMENT OF PERSONS BY POLICE**

**Fingerprinting**

**61.**—(1) Except as provided by this Article no person's fingerprints may be taken without the appropriate consent.

(2) Consent to the taking of a person's fingerprints must be in writing if it is given at a time when he is at a police station.

(3) The fingerprints of a person detained at a police station may be taken without the appropriate consent—

- (a) if an officer of at least the rank of superintendent authorises them to be taken; or
- (b) if—
  - (i) he has been charged with a recordable offence or informed that he will be reported for such an offence; and
  - (ii) he has not had his fingerprints taken in the course of the investigation of the offence by the police.

(4) An officer may only give an authorisation under paragraph (3)(a) if he has reasonable grounds—

- (a) for suspecting the involvement of the person whose fingerprints are to be taken in a criminal offence; and
- (b) for believing that his fingerprints will tend to confirm or disprove his involvement.

(5) An officer may give an authorisation under paragraph (3)(a) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.

(6) Any person's fingerprints may be taken without the appropriate consent if he has been convicted of a recordable offence.

(7) In a case where by virtue of paragraph (3) or (6) a person's fingerprints are taken without the appropriate consent—

- (a) he shall be told the reason before his fingerprints are taken; and
- (b) the reason shall be recorded as soon as is practicable after the fingerprints are taken.

(8) If he is detained at a police station when the fingerprints are taken, the reason for taking them shall be recorded on his custody record.

(9) Nothing in this Article—

- (a) affects any power conferred by paragraph 18(2) of Schedule 2 to the Immigration Act 1971; or
- (b) applies to a person arrested or detained under the terrorism provisions.