



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART V

#### QUESTIONING AND TREATMENT OF PERSONS BY POLICE

#### 62 Intimate samples.

- (1) [<sup>F1</sup>Subject to section 63B below] An intimate sample may be taken from a person in police detention only—
- if a police officer of at least the rank of [<sup>F2</sup>inspector] authorises it to be taken; and
  - if the appropriate consent is given.
- [<sup>F3</sup>(1A) An intimate sample may be taken from a person who is not in police detention but from whom, in the course of the investigation of an offence, two or more non-intimate samples suitable for the same means of analysis have been taken which have proved insufficient—
- if a police officer of at least the rank of [<sup>F2</sup>inspector] authorises it to be taken; and
  - if the appropriate consent is given.]
- (2) An officer may only give an authorisation [<sup>F4</sup>under subsection (1) or (1A) above] if he has reasonable grounds—
- for suspecting the involvement of the person from whom the sample is to be taken in a [<sup>F5</sup>recordable offence]; and
  - for believing that the sample will tend to confirm or disprove his involvement.
- [<sup>F6</sup>(2A) An intimate sample may be taken from a person where—
- 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;
  - a police officer of at least the rank of inspector authorises it to be taken; and
  - the appropriate consent is given.

---

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 62 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (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) An officer may give an authorisation under subsection (1) [<sup>F7</sup>or (1A)] [<sup>F8</sup>or (2A)] above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (4) The appropriate consent must be given in writing.
- [<sup>F9</sup>(5) Before an intimate sample is taken from a person, an officer shall inform him of the following—
- (a) the reason for taking the sample;
  - (b) the fact that authorisation has been given and the provision of this section under which it has been given; and
  - (c) if the sample was taken at a police station, the fact that the sample may be the subject of a speculative search.
- (6) The reason referred to in subsection (5)(a) above must include, except in a case where the sample is taken under subsection (2A) above, a statement of the nature of the offence in which it is suspected that the person has been involved.
- (7) After an intimate sample has been taken from a person, the following shall be recorded as soon as practicable—
- (a) the matters referred to in subsection (5)(a) and (b) above;
  - (b) if the sample was taken at a police station, the fact that the person has been informed as specified in subsection (5)(c) above; and
  - (c) the fact that the appropriate consent was given.]

(8) If an intimate sample is taken from a person detained at a police station, the matters required to be recorded by subsection (7) <sup>F10</sup>... above shall be recorded in his custody record.

[<sup>F11</sup>(9) In the case of an intimate sample which is a dental impression, the sample may be taken from a person only by a registered dentist.

(9A) In the case of any other form of intimate sample, except in the case of a sample of urine, the sample may be taken from a person only by—

    - (a) a registered medical practitioner; or
    - (b) a registered health care professional.]

(10) Where the appropriate consent to the taking of an intimate sample from person was refused without good cause, in any proceedings against that person for an offence—

      - (a) the court, in determining—
        - <sup>F12</sup>(i) .....
        - (ii) whether there is a case to answer; and

[<sup>F13</sup>(aa) a judge, in deciding whether to grant an application made by the accused under [<sup>F14</sup>paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal); and]]

      - (b) the court or jury, in determining whether that person is guilty of the offence charged,

may draw such inferences from the refusal as appear proper <sup>F15</sup>... .

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 62 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (11) Nothing in this section [<sup>F16</sup>applies to the taking of a specimen for the purposes of any of the provisions of][<sup>F17</sup>sections 4 to 11 of the Road Traffic Act 1988][<sup>F18</sup>or of sections 26 to 38 of the Transport and Works Act 1992] .
- [<sup>F19</sup>(12) Nothing in this section applies to a person arrested or detained under the terrorism provisions; and subsection (1A) shall not apply where the non-intimate samples mentioned in that subsection were taken under paragraph 10 of Schedule 8 to the Terrorism Act 2000.]
- [<sup>F20</sup>(13) Nothing in this section applies to a person detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019; and subsection (1A) does not apply where the non-intimate samples mentioned in that subsection were taken under Part 2 of that Schedule.]
- [<sup>F21</sup>(14) Nothing in this section applies to a person arrested or detained under section 27 of the National Security Act 2023; and subsection (1A) does not apply where the non-intimate samples mentioned in that subsection were taken under paragraph 10 of Schedule 6 to that Act.]

#### Textual Amendments

- F1** Words in s. 62 inserted (20.6.2001 for specified purposes and otherwise 2.7.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 78**; S.I. 2001/2232, **art. 2(k)(m)(i)**
- F2** Word in s. 62(1)(a)(1A)(a) substituted (1.4.2003) by 2001 c. 16, ss. 80(1), 138(2); S.I. 2003/708, **art. 2(h)**
- F3** S. 62(1A) inserted (10.4.1995) by 1994 c. 33, s. 54(2); S.I. 1995/721, art. 2, **Sch.**
- F4** Words in s. 62(2) inserted (10.4.1995) by 1994 c. 33, s. 54(3)(a); S.I. 1995/721, art. 2, **Sch.**
- F5** Words in s. 62(2)(a) substituted (10.4.1995) by 1994 c. 33, s. 54(3)(b); S.I. 1995/721, art. 2, **Sch.**
- F6** S. 62(2A)(2B) inserted (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 3(2)**, 59(1); S.I. 2011/414, art. 2(b)
- F7** Words in s. 62(3) inserted (10.4.1995) by 1994 c. 33, s. 54(4); S.I. 1995/721, art. 2, **Sch.**
- F8** Words in s. 62(3) inserted (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 3(3)**, 59(1); S.I. 2011/414, art. 2(b)
- F9** S. 62(5)-(7) substituted for s. 62(5)-(7A) (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 4(4)**, 59(1); S.I. 2011/414, art. 2(b)
- F10** Words in s. 62(8) repealed (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 4(5)**, 59(1); S.I. 2011/414, art. 2(b)
- F11** S. 62(9)(9A) substituted (1.4.2003) for s. 62(9) by Police Reform Act 2002 (c. 30), **ss. 54(1)**, 108(2)-(5); S.I. 2003/808, **art. 2(e)**
- F12** S. 62(10)(a)(i) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 56(2)(a)**, **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), **Sch.** (with arts. 34) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 34)
- F13** S. 62(10)(aa) inserted (3.2.1995) by 1994 c. 33, s. 168(3), **Sch. 9 para. 24**; S.I. 1995/127, art. 2(1), **Sch.** Appendix A
- F14** Words in s. 62(10)(aa) substituted for s. 62(10)(aa)(i)(ii) (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 56(2)(b)**; S.I. 2005/1267, art. 2(1)(2)(a), **Sch. Pt. 1**; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), **Sch.** (with arts. 34) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 34)

**Changes to legislation:** *Police and Criminal Evidence Act 1984, Section 62 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F15** Words in s. 62(10) repealed (10.4.1995) by 1994 c. 33, s. 168(3), **Sch. 11**; S.I. 1995/721, art. 2, **Sch. Appendix B**
- F16** Words in s. 62(11) substituted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 53(2)(a)**, 108(2)-(5); S.I. 2003/808, **art. 2(d)**
- F17** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 27(4)**
- F18** Words in s. 62(11) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 53(2)(b)**, 108(2)-(5); S.I. 2003/808, **art. 2(d)**
- F19** S. 62(12) substituted (19.2.2001) by 2000 c. 11, s. 125, **Sch. 15 para. 8** (with s. 129(1)); S.I. 2001/421, **art. 2**
- F20** S. 62(13) inserted (13.8.2020) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(2)(d), **Sch. 4 para. 18(7)**; S.I. 2020/792, reg. 2(i)
- F21** S. 62(14) inserted (20.12.2023) by The National Security Act 2023 (Consequential Amendments of Primary Legislation) Regulations 2023 (S.I. 2023/1386), reg. 1(2), **Sch. para. 7(4)**

#### **Modifications etc. (not altering text)**

- C1** S. 62 applied with modifications by S.I. 1985/1800, arts. 3–11, **Schs. 1, 2** and 1985/1882, art. 7  
 S. 62(1)-(11) applied (with modifications) (10.4.1995) by 1989 c. 4, **Sch. 5 para. 7(6A)-(6D)** (as inserted by 1994 c. 33, s. 168(2), **Sch. 10 para. 62(3)**); S.I. 1995/721, art. 2, **Sch. Appendix A**  
 S. 62(1)-(11) applied (with modifications) (10.4.1995) by 1989 c. 4, **s. 15(11)-(14)** (as inserted by 1994 c. 33, s. 168(2), **Sch. 10 para. 62(2)**); S.I. 1995/721, art. 2, **Sch. Appendix A**  
 S. 62(1)-(3)(5)-(7)(7A)(9)(10) applied (with modifications) (1.2.1997) by S.I. 1997/15, art. 2(1), **Sch.**  
 S. 62(4)(6) applied (1.2.1997) by S.I. 1997/15, art. 2(1), **Sch.**
- C2** S. 62 modified (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 3(2)(3)**; s. 62 modified by the said S.I. 1993/1813, art. 6, **Sch. 3 para. 3** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, **Sch. 3 para. 4**
- C3** S. 62 applied (with modifications) (31.12.2006) by The Police and Criminal Evidence Act 1984 (Application to the Armed Forces) Order 2006 (S.I. 2006/2015), arts. 2, 3, **Schs. 1-3**
- C4** S. 62 applied (with modifications) (4.11.2015) by The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015 (S.I. 2015/1783), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)
- C5** S. 62(1)(2) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C6** S. 62(3)-(12) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)

**Changes to legislation:**

Police and Criminal Evidence Act 1984, Section 62 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(1)(cza) inserted by [2021 c. 17 s. 26\(9\)](#)
- s. 47A(3A) substituted by [2022 c. 35 Sch. 2 para. 7](#)
- s. 61(6BA) inserted by [2008 c. 28 s. 10\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 63(3D) inserted by [2008 c. 28 s. 10\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64(1AA) inserted by [2008 c. 28 s. 10\(4\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64A(1B)(cb) inserted by [2022 c. 32 Sch. 11 para. 18\(a\)](#)
- Sch. 1A para. 21A added by 1995 c. 32, s. 8B(1) (as inserted) by [2006 c. 12 Sch. 3 para. 13](#)