



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 3

POLICE AND CRIMINAL EVIDENCE AND THE TERRORISM ACT

Fingerprints and samples

78 Taking fingerprints

- (1) In section 27 of the 1984 Act (requirement to attend police station for fingerprinting), after subsection (1) there shall be inserted—

“(1A) Where a person convicted of a recordable offence has already had his fingerprints taken as mentioned in paragraph (c) of subsection (1) above, that fact (together with any time when he has been in police detention for the offence) shall be disregarded for the purposes of that subsection if—

- (a) the fingerprints taken on the previous occasion do not constitute a complete set of his fingerprints; or
- (b) some or all of the fingerprints taken on the previous occasion are not of sufficient quality to allow satisfactory analysis, comparison or matching.

(1B) Subsections (1) and (1A) above apply—

- (a) where a person has been given a caution in respect of a recordable offence which, at the time of the caution, he has admitted, or
- (b) where a person has been warned or reprimanded under section 65 of the Crime and Disorder Act 1998 (c. 37) for a recordable offence,

as they apply where a person has been convicted of an offence, and references in this section to a conviction shall be construed accordingly.”

- (2) In section 61(3)(a) of the 1984 Act (compulsory fingerprinting under the authorisation of a police officer of at least the rank of superintendent), for “superintendent” there shall be substituted “inspector”.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 78. (See end of Document for details)

(3) After section 61(3) of the 1984 Act there shall be inserted—

“(3A) Where a person charged with a recordable offence or informed that he will be reported for such an offence has already had his fingerprints taken as mentioned in paragraph (b)(ii) of subsection (3) above, that fact shall be disregarded for the purposes of that subsection if—

- (a) the fingerprints taken on the previous occasion do not constitute a complete set of his fingerprints; or
- (b) some or all of the fingerprints taken on the previous occasion are not of sufficient quality to allow satisfactory analysis, comparison or matching (whether in the case in question or generally).”

(4) After section 61(4) of the 1984 Act there shall be inserted—

“(4A) The fingerprints of a person who has answered to bail at a court or police station may be taken without the appropriate consent at the court or station if—

- (a) the court, or
- (b) an officer of at least the rank of inspector, authorises them to be taken.

(4B) A court or officer may only give an authorisation under subsection (4A) if—

- (a) the person who has answered to bail has answered to it for a person whose fingerprints were taken on a previous occasion and there are reasonable grounds for believing that he is not the same person; or
- (b) the person who has answered to bail claims to be a different person from a person whose fingerprints were taken on a previous occasion.”

(5) In section 61(5) of the 1984 Act (authorisation to be in writing or oral but to be confirmed in writing), after “(3)(a)” there shall be inserted “ or (4A) ”.

(6) In section 61(6) of the 1984 Act (compulsory fingerprinting of persons convicted of recordable offences), for “he has been convicted of a recordable offence” there shall be substituted—

- “(a) he has been convicted of a recordable offence;
- (b) he has been given a caution in respect of a recordable offence which, at the time of the caution, he has admitted; or
- (c) he has been warned or reprimanded under section 65 of the Crime and Disorder Act 1998 (c. 37) for a recordable offence.”

^{F1}(7)

(8) In section 65(1) of the 1984 Act (supplementary provisions of Part 5), for the definition of “fingerprints” there shall be substituted—

““fingerprints”, in relation to any person, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of—

- (a) any of that person’s fingers; or
- (b) either of his palms;”.

(9) Section 39 of the Criminal Justice Act 1948 (c. 58) (proof of previous convictions by fingerprints) shall cease to have effect.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 78. (See end of Document for details)

Textual Amendments

F1 S. 78(7) repealed (12.1.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(b), [Sch. 8 Pt. 13](#)

Commencement Information

I1 S. 78 partly in force; s. 78 not in force at Royal Assent, see s. 138; s. 78(1)(3)-(6)(8)(9) in force at 1.1.2003 by [S.I. 2002/3032](#), [art. 2](#); s. 78(2) wholly in force at 1.4.2003 by [S.I. 2003/708](#), [art. 2\(f\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 78.