



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 3

POLICE AND CRIMINAL EVIDENCE AND THE TERRORISM ACT

Fingerprints and samples

80 Samples

- (1) In sections 62(1)(a) and (1A)(a) and 63(3)(b) of the 1984 Act (authorisation of a police officer of or above the rank of superintendent required for the taking of an intimate or non-intimate sample), for the word “superintendent”, in each place where it occurs, there shall be substituted “inspector”.
- (2) In section 62(9) of the 1984 Act (intimate samples may only be taken by a registered medical practitioner), after “practitioner” there shall be inserted “or a registered nurse”.
- (3) After section 63(5) of the 1984 Act there shall be inserted—
 - “(5A) An officer shall not give an authorisation under subsection (3) above for the taking from any person of a non-intimate sample consisting of a skin impression if—
 - (a) a skin impression of the same part of the body has already been taken from that person in the course of the investigation of the offence; and
 - (b) the impression previously taken is not one that has proved insufficient.”
- (4) After section 63(9) of the 1984 Act (non-intimate samples) there shall be inserted—
 - “(9A) Where a non-intimate sample consisting of a skin impression is taken electronically from a person, it must be taken only in such manner, and using such devices, as the Secretary of State has approved for the purpose of the electronic taking of such an impression.”

Status: This is the original version (as it was originally enacted).

(5) Section 65 of the 1984 Act (supplementary provisions of Part 5) shall become subsection (1) of that section and—

(a) after “this Act—” there shall be inserted—

““analysis”, in relation to a skin impression, includes comparison and matching;”

(b) in the definition of “non-intimate sample”, for paragraph (e) (footprints etc.) there shall be substituted—

“(e) a skin impression;”

(c) after the definition of “registered dentist” there shall be inserted—

““skin impression”, in relation to any person, means any record (other than a fingerprint) which is a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of the whole or any part of his foot or of any other part of his body;”

and

(d) in the definition of “sufficient” and “insufficient”, after “means” there shall be inserted “(subject to subsection (2) below)”.

(6) After subsection (1) of section 65 of the 1984 Act there shall be inserted—

“(2) References in this Part of this Act to a sample’s proving insufficient include references to where, as a consequence of—

(a) the loss, destruction or contamination of the whole or any part of the sample,

(b) any damage to the whole or a part of the sample, or

(c) the use of the whole or a part of the sample for an analysis which produced no results or which produced results some or all of which must be regarded, in the circumstances, as unreliable,

the sample has become unavailable or insufficient for the purpose of enabling information, or information of a particular description, to be obtained by means of analysis of the sample.”