



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 10

POLICE POWERS

Identification

89 Fingerprinting of terrorist suspects

- (1) Schedule 8 to the Terrorism Act 2000 (c. 11) (persons detained under terrorism provisions) is amended as follows.
- (2) In paragraph 10, at the beginning of sub-paragraph (6) (grounds on which officer may authorise fingerprinting or taking of sample), insert “Subject to sub-paragraph (6A)”; and after that sub-paragraph insert—

“(6A) An officer may also give an authorisation under sub-paragraph (4)(a) for the taking of fingerprints if—

- (a) he is satisfied that the fingerprints of the detained person will facilitate the ascertainment of that person’s identity; and
- (b) that person has refused to identify himself or the officer has reasonable grounds for suspecting that that person is not who he claims to be.

(6B) In this paragraph references to ascertaining a person’s identity include references to showing that he is not a particular person.”

- (3) In paragraph 20(2), for the subsection (2) substituted by way of modification of section 18 of the Criminal Procedure (Scotland) Act 1995 (c. 46) substitute—

“(‘) Subject to subsection (2A), a constable may take from a detained person or require a detained person to provide relevant physical data only if—

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Section 89. (See end of Document for details)

- (a) in the case of a person detained under section 41 of the Terrorism Act 2000, he reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in section 40(1)(a) of that Act and he reasonably believes that the relevant physical data will tend to confirm or disprove his involvement; or
 - (b) in any case, he is satisfied that it is necessary to do so in order to assist in determining whether the person falls within section 40(1)(b).
- (2A) A constable may also take fingerprints from a detained person or require him to provide them if—
 - (a) he is satisfied that the fingerprints of that person will facilitate the ascertainment of that person’s identity; and
 - (b) that person has refused to identify himself or the constable has reasonable grounds for suspecting that that person is not who he claims to be.
- (2B) In this section references to ascertaining a person’s identity include references to showing that he is not a particular person.”
- (4) For paragraph 20(3) substitute—
 - “(3) Subsections (3) to (5) shall not apply, but any relevant physical data or sample taken in pursuance of section 18 as applied by this paragraph may be retained but shall not be used by any person except for the purposes of a terrorist investigation or for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution.
- (4) In this paragraph—
 - (a) a reference to crime includes a reference to any conduct which—
 - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
 - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences; and
 - (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.”

Changes to legislation:

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