



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 3

#### POLICE POWERS ETC.

##### *Fingerprints and footwear impressions*

#### **117 Fingerprints**

(1) Section 61 of PACE (fingerprinting) is amended as provided in subsections (2) to (4).

(2) After subsection (6) insert—

“(6A) A constable may take a person's fingerprints without the appropriate consent if—

(a) the constable reasonably suspects that the person is committing or attempting to commit an offence, or has committed or attempted to commit an offence; and

(b) either of the two conditions mentioned in subsection (6B) is met.

(6B) The conditions are that—

(a) the name of the person is unknown to, and cannot be readily ascertained by, the constable;

(b) the constable has reasonable grounds for doubting whether a name furnished by the person as his name is his real name.

(6C) The taking of fingerprints by virtue of subsection (6A) does not count for any of the purposes of this Act as taking them in the course of the investigation of an offence by the police.”

(3) In subsection (7), for “or (6)” substitute “, (6) or (6A)”.

*Changes to legislation: Serious Organised Crime and Police Act 2005, Section 117 is up to date with all changes known to be in force on or before 21 March 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*

(4) In subsection (7A)—

- (a) after “police station,” insert “ or by virtue of subsection (6A) at a place other than a police station, ”,
- (b) in paragraph (a), after “an officer” insert “ (or, in a subsection (6A) case, the constable) ”.

(5) In section 63A of PACE (fingerprints and samples: supplementary provisions)—

- (a) after subsection (1) insert—
  - “(1ZA) Fingerprints taken by virtue of section 61(6A) above may be checked against other fingerprints to which the person seeking to check has access and which are held by or on behalf of any one or more relevant law-enforcement authorities or which are held in connection with or as a result of an investigation of an offence.”,
- (b) in subsection (1A), after “subsection (1)” insert “ and (1ZA) ”.

- <sup>F1</sup>(6) .....
- <sup>F1</sup>(7) .....
- <sup>F1</sup>(8) .....
- <sup>F1</sup>(9) .....
- <sup>F1</sup>(10) .....

<p>.....</p> <p><b>Textual Amendments</b></p> <p><b>F1</b> S. 117(6)-(10) repealed (31.10.2013) by <a href="#">Protection of Freedoms Act 2012 (c. 9)</a>, s. 120, <a href="#">Sch. 10 Pt. 1</a> (with s. 97); <a href="#">S.I. 2013/2104</a>, art. 3(d)</p> <p>.....</p> <p><b>Commencement Information</b></p> <p><b>I1</b> S. 117(1)(2) in force at 7.3.2011 by <a href="#">S.I. 2011/410</a>, <a href="#">art. 2(a)</a></p> <p><b>I2</b> S. 117(4)(a) in force at 7.3.2011 by <a href="#">S.I. 2011/410</a>, <a href="#">art. 2(b)</a></p> <p><b>I3</b> S. 117(5) in force at 7.3.2011 by <a href="#">S.I. 2011/410</a>, <a href="#">art. 2(c)</a></p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Changes to legislation:**

Serious Organised Crime and Police Act 2005, Section 117 is up to date with all changes known to be in force on or before 21 March 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](#)

**Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871