



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 1

POWERS TO GATHER AND SHARE INFORMATION

Power to remove documents for examination

1 Power to remove documents for examination

- (1) This section applies to a search under any of the following provisions—
- (a) section 43(1) of the Terrorism Act 2000 (c. 11) (search of suspected terrorist);
 - (b) section 43(2) of that Act (search of person arrested under section 41 on suspicion of being a terrorist);
 - (c) paragraph 1, 3, 11, 15, 28 or 31 of Schedule 5 to that Act (terrorist investigations);
 - (d) section 52(1) or (3)(b) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (search for evidence of commission of weapons-related offences);
 - (e) section 7A, 7B or 7C of the Prevention of Terrorism Act 2005 (c. 2) (searches in connection with control orders);
 - (f) section 28 of the Terrorism Act 2006 (c. 11) (search for terrorist publications).
- (2) A constable who carries out a search to which this section applies may, for the purpose of ascertaining whether a document is one that may be seized, remove the document to another place for examination and retain it there until the examination is completed.
- (3) Where a constable carrying out a search to which this section applies has power to remove a document by virtue of this section, and the document—
- (a) consists of information that is stored in electronic form, and
 - (b) is accessible from the premises being searched,
- the constable may require the document to be produced in a form in which it can be taken away, and in which it is visible and legible or from which it can readily be produced in a visible and legible form.

- (4) A constable has the same powers of seizure in relation to a document removed under this section as the constable would have if it had not been removed (and if anything discovered on examination after removal had been discovered without it having been removed).

2 Offence of obstruction

- (1) A person who wilfully obstructs a constable in the exercise of the power conferred by section 1 commits an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction—
- (a) in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 5 on the standard scale, or both;
 - (b) in Scotland, to imprisonment for a term not exceeding twelve months or a fine not exceeding level 5 on the standard scale, or both;
 - (c) in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale, or both.
- (3) In subsection (2)(a) as it applies in relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 (c. 44) comes into force, for “51 weeks” substitute “six months”.

3 Items subject to legal privilege

- (1) Section 1 does not authorise a constable to remove a document if the constable has reasonable cause to believe—
- (a) it is an item subject to legal privilege, or
 - (b) it has an item subject to legal privilege comprised in it.
- (2) Subsection (1)(b) does not prevent the removal of a document if it is not reasonably practicable for the item subject to legal privilege to be separated from the rest of the document without prejudicing any use of the rest of the document that would be lawful if it were subsequently seized.
- (3) If, after a document has been removed under section 1, it is discovered that—
- (a) it is an item subject to legal privilege, or
 - (b) it has an item subject to legal privilege comprised in it,
- the document must be returned forthwith.
- (4) Subsection (3)(b) does not require the return of a document if it is not reasonably practicable for the item subject to legal privilege to be separated from the rest of the document without prejudicing any use of the rest of the document that would be lawful if it were subsequently seized.
- (5) Where an item subject to legal privilege is removed under subsection (2) or retained under subsection (4), it must not be examined or put to any other use except to the extent necessary for facilitating the examination of the rest of the document.
- (6) For the purposes of this section “item subject to legal privilege”—
- (a) in England and Wales, has the same meaning as in the Police and Criminal Evidence Act 1984 (c. 60);

- (b) in Scotland, has the meaning given by section 412 of the Proceeds of Crime Act 2002 (c. 29);
- (c) in Northern Ireland, has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).

4 Record of removal

- (1) A constable who removes a document under section 1 must make a written record of the removal.
- (2) The record must be made as soon as is reasonably practicable and in any event within the period of 24 hours beginning with the time when the document was removed.
- (3) The record must—
 - (a) describe the document,
 - (b) specify the object of the removal,
 - (c) where the document was found in the course of a search of a person, state the person's name (if known),
 - (d) where the document was found in the course of a search of any premises, state the address of the premises where the document was found,
 - (e) where the document was found in the course of a search of any premises, state the name (if known) of—
 - (i) any person who, when the record is made, appears to the constable to have been the occupier of the premises when the document was found, and
 - (ii) any person who, when the record is made, appears to the constable to have had custody or control of the document when it was found, and
 - (f) state the date and time when the document was removed.
- (4) If, in a case where the document was found in the course of a search of a person, the constable does not know the person's name, the record must include a description of the person.
- (5) If, in a case where the document was found in the course of a search of any premises, the constable does not know the name of a person mentioned in subsection (3)(e) but is able to provide a description of that person, the record must include such a description.
- (6) The record must identify the constable by reference to the constable's police number.
- (7) The following are entitled, on a request made to the constable, to a copy of the record made under this section—
 - (a) where the document was found in the course of a search of a person, that person; and
 - (b) where the document was found in the course of a search of any premises—
 - (i) the occupier of the premises when it was found, and
 - (ii) any person who had custody or control of the document when it was found.
- (8) The constable must provide the copy within a reasonable time from the making of the request.

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- (9) If, in England and Wales or Northern Ireland, the document is found in the course of a search under a warrant, the constable must make an endorsement on the warrant stating that the document has been removed under section 1.
- (10) In the application of this section in relation to the search of a vehicle, the reference to the address of the premises is to the location of the vehicle together with its registration number (if any).

5 Retention of documents

- (1) A document may not be retained by virtue of section 1 for more than 48 hours without further authorisation.
- (2) A constable of at least the rank of chief inspector may authorise the retention of the document for a further period or periods if satisfied that—
 - (a) the examination of the document is being carried out expeditiously, and
 - (b) it is necessary to continue the examination for the purpose of ascertaining whether the document is one that may be seized.
- (3) This does not permit the retention of a document after the end of the period of 96 hours beginning with the time when it was removed for examination.

6 Access to documents

- (1) Where—
 - (a) a document is retained by virtue of section 5, and
 - (b) a request for access to the document is made to the officer in charge of the investigation by a person within subsection (3),the officer must grant that person access to the document, under the supervision of a constable, subject to subsection (4).
- (2) Where—
 - (a) a document is retained by virtue of section 5, and
 - (b) a request for a copy of the document is made to the officer in charge of the investigation by a person within subsection (3),that person must be provided with a copy of the document within a reasonable time from the making of the request, subject to subsection (4).
- (3) The persons entitled to make a request under subsection (1) or (2) are—
 - (a) where the document was found in the course of a search of a person, that person,
 - (b) where the document was found in the course of a search of any premises—
 - (i) the occupier of the premises when it was found, and
 - (ii) any person who had custody or control of the document when it was found, and
 - (c) a person acting on behalf of a person within paragraph (a) or (b).
- (4) The officer in charge of the investigation may refuse access to the document, or (as the case may be) refuse to provide a copy of it, if the officer has reasonable grounds for believing that to do so—
 - (a) would prejudice any investigation for the purposes of which—

- (i) the original search was carried out, or
 - (ii) the document was removed or is being retained,
 - (b) would prejudice the investigation of any offence,
 - (c) would prejudice any criminal proceedings that may be brought as the result of an investigation within paragraph (a) or (b), or
 - (d) would facilitate the commission of an offence.
- (5) In this section—
- “the officer in charge of the investigation” means the officer in charge of the investigation for the purposes of which the document is being retained; and
- “the original search” means the search in the course of which the document was removed.

7 Photographing and copying of documents

- (1) Where a document is removed under section 1 it must not be photographed or copied, except that—
- (a) a document may be copied for the purpose of providing a copy in response to a request under section 6(2), and
 - (b) a document consisting of information stored in electronic form may be copied for the purpose of producing it in a visible and legible form.
- (2) Where the original document is returned, any copy under subsection (1)(b) must—
- (a) in the case of a copy in electronic form, be destroyed or made inaccessible as soon as is reasonably practicable, and
 - (b) in any other case, be returned at the same time as the original document is returned.
- (3) The following are entitled, on a request made to the relevant chief officer of police, to a certificate that subsection (2) has been complied with—
- (a) where the document was found in the course of a search of a person, that person;
 - (b) where the document was found in the course of a search of any premises—
 - (i) the occupier of the premises when it was found, and
 - (ii) any person who had custody or control of the document when it was found.
- (4) The certificate must be issued by the relevant chief officer of police, or a person authorised by or on behalf of that chief officer, not later than the end of the period of three months beginning with the day on which the request is made.
- (5) For this purpose the relevant chief officer of police is—
- (a) where the search was carried out in England or Wales, the chief officer of police in whose area the search was carried out;
 - (b) where the search was carried out in Scotland, the chief constable of the police force for the area in which the search was carried out;
 - (c) where the search was carried out in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.

8 Return of documents

- (1) Where a document removed under section 1 is required to be returned, it must be returned—
 - (a) where the document was found in the course of a search of a person, to that person;
 - (b) where the document was found in the course of a search of any premises, to the occupier of the premises when it was found.
- (2) Subsection (1) does not apply where a person who is required to return the document is satisfied that another person has a better right to it; and in such a case it must be returned—
 - (a) to that other person, or
 - (b) to whoever appears to the person required to return the document to have the best right to it.
- (3) Where different persons claim to be entitled to the return of the document, it may be retained for as long as is reasonably necessary for the determination of the person to whom it must be returned.
- (4) This section also applies in relation to a copy of a document that is required to be returned at the same time as the original; and in such a case references to the document in paragraphs (a) and (b) of subsection (1) are to the original.

9 Power to remove documents: supplementary provisions

- (1) In sections 1 to 8 “document” includes any record and, in particular, includes information stored in electronic form.
- (2) In the application of those sections to a search under 52(1) of the Anti-terrorism, Crime and Security Act 2001 (c. 24), for references to a constable substitute references to an authorised officer within the meaning of that section.
- (3) In the application of those sections in relation to the search of a vehicle references to the occupier of the premises are to the person in charge of the vehicle.

Power to take fingerprints and samples from person subject to control order

10 Power to take fingerprints and samples: England and Wales

- (1) In section 61 of the Police and Criminal Evidence Act 1984 (c. 60) (fingerprinting), after subsection (6B) insert—

“(6BA) A constable may take a person’s fingerprints without the appropriate consent if the person is subject to a control order.”.
- (2) In section 63 of that Act (other samples), after subsection (3C) insert—

“(3D) A non-intimate sample may also be taken from a person without the appropriate consent if the person is subject to a control order.”.
- (3) In section 63A of that Act (fingerprints and samples: supplementary provisions)—

- (a) in subsection (1) (checking against other fingerprints or samples), after “reported for such an offence” insert “or he is or has been subject to a control order”;
- (b) after subsection (6) insert—
 - “(6A) A constable may require a person who is subject to a control order to attend a police station in order to—
 - (a) have his fingerprints taken in accordance with section 61(6BA);
 - (b) have a non-intimate sample taken in accordance with section 63(3D).”.
- (4) In section 64 of that Act (destruction of fingerprints and samples), after subsection (1A) insert—
 - “(1AA) Where fingerprints or samples are taken from a person who is subject to a control order the fingerprints or samples may be retained after they have fulfilled the purposes for which they were taken but shall not be used by any person except as described in subsection (1AB).”.
- (5) In section 65(1) of that Act (interpretation), at the appropriate places insert—
 - ““control order” has the same meaning as in the Prevention of Terrorism Act 2005;”;
 - ““person subject to a control order” means a person who has become bound by a control order (see section 7(8) of the Prevention of Terrorism Act 2005) that remains in force;”.
- (6) The following amendments of that Act are consequential on those above—
 - (a) in section 61—
 - (i) in subsection (6C) after “subsection (6A)” insert “or (6BA)”;
 - (ii) in subsection (7) for “or (6A)” substitute “, (6A) or (6BA)”;
 - (iii) in subsection (7A) after “subsection (6A)”, in both places where it occurs, insert “or (6BA)”;
 - (b) in section 63 (other samples)—
 - (i) in subsection (8A) for “or (3C)” substitute “, (3C) or (3D)”;
 - (ii) in the opening words of subsection (8B) after “police station” insert “or by virtue of subsection (3D) at a place other than a police station”;
 - (iii) in paragraph (a) of that subsection after “officer” insert “, or, in a subsection (3D) case, a constable,”;
 - (c) in section 63A(7) after “subsection (4)” insert “or (6A)”;
 - (d) in section 64(1B) after “subsection (1A)” insert “, (1AA)”.

11 Power to take fingerprints and samples: Scotland

- (1) This section applies in relation to a person who is subject to a control order in Scotland.
- (2) A constable may—
 - (a) take from the person, or require the person to provide, any relevant physical data,
 - (b) with the authority of an officer of a rank no lower than inspector, take from the person any sample mentioned in paragraph (a), (b) or (c) of subsection (6)

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- of section 18 (prints, samples etc. in criminal investigations) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (“the 1995 Act”) by the means specified in that paragraph in relation to the sample,
- (c) take, or direct a police custody and security officer to take, from the person a sample mentioned in subsection (6A) of that section by the means specified in that subsection.
- (3) A constable may—
- (a) require the person to attend a police station for the purposes of subsection (2), and
 - (b) arrest without warrant a person who fails to comply with such a requirement.
- (4) A constable may use reasonable force in—
- (a) taking any relevant physical data under subsection (2)(a),
 - (b) securing compliance with a requirement imposed by the constable under that subsection, or
 - (c) taking any sample under subsection (2)(b).
- (5) A constable may, with the authority of an officer of a rank no lower than inspector, use reasonable force in taking any sample under subsection (2)(c).
- (6) Any relevant physical data or sample obtained under this section, and information derived from it, may be retained but may not be used by any person except—
- (a) for the purposes of a terrorist investigation, or
 - (b) in the interests of national security.
- (7) Subject to subsection (6), any data or sample obtained under this section, or information derived from it, may, in particular, be checked against—
- (a) other such data, samples or information,
 - (b) any of the relevant physical data, samples and information to which section 20 of the 1995 Act applies,
 - (c) any of the fingerprints, samples and information mentioned in section 63A(1) (a) and (b) of the Police and Criminal Evidence Act 1984 (c. 60) (checking of fingerprints and samples), and
 - (d) material to which section 18 of this Act applies (material not subject to existing statutory restrictions).
- (8) In this section—
- “control order” has the same meaning as in the Prevention of Terrorism Act 2005 (c. 2);
 - “person subject to a control order” means a person who has become bound by a control order (see section 7(8) of the Prevention of Terrorism Act 2005) that remains in force;
 - “relevant physical data” has the same meaning as it has for the purposes of section 18 of the 1995 Act (see subsections (7A) and (7B) of that section);
 - “terrorist investigation” has the meaning given in section 32 of the Terrorism Act 2000 (c. 11).

12 Power to take fingerprints and samples: Northern Ireland

- (1) In Article 53(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (interpretation of Part VI), at the appropriate places insert—

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““control order” has the same meaning as in the Prevention of Terrorism Act 2005;”;

““person subject to a control order” means a person who has become bound by a control order (see section 7(8) of the Prevention of Terrorism Act 2005) that remains in force;”.

(2) In Article 61 of that Order (fingerprinting), after paragraph (6B) insert—

“(6BA) A constable may take a person’s fingerprints without the appropriate consent if the person is subject to a control order.”.

(3) In Article 63 of that Order (other samples), after paragraph (3B) insert—

“(3C) A non-intimate sample may also be taken from a person without the appropriate consent if the person is subject to a control order.”.

(4) In Article 63A of that Order (fingerprints and samples: supplementary provisions)—

(a) in paragraph (1) (checking against other fingerprints and samples), after “reported for such an offence” insert “or he is or has been subject to a control order”;

(b) after paragraph (6) insert—

“(6A) A constable may require a person who is subject to a control order to attend a police station in order to—

(a) have his fingerprints taken in accordance with Article 61(6BA);

(b) have a non-intimate sample taken in accordance with Article 63(3C).”.

(5) In Article 64 of that Order (destruction of fingerprints and samples), after paragraph (1A) insert—

“(1AA) Where fingerprints or samples are taken from a person who is subject to a control order the fingerprints or samples may be retained after they have fulfilled the purposes for which they were taken but shall not be used by any person except as described in paragraph (1AB).”.

(6) The following amendments of that Order are consequential on those above—

(a) in Article 61—

(i) in paragraph (6C) after “paragraph (6A)” insert “or (6BA)”;

(ii) in paragraph (7) for “or (6A)” substitute “, (6A) or (6BA)”;

(iii) in paragraph (7A) after “paragraph (6A)”, in both places where it occurs, insert “or (6BA)”;

(b) in Article 63—

(i) in paragraph (8A) for “or (3B)” substitute “, (3B) or (3C)”;

(ii) in the opening words of paragraph (8B) after “police station” insert “or by virtue of paragraph (3C) at a place other than a police station”;

(iii) in sub-paragraph (a) of that paragraph after “officer” insert “(or, in a paragraph (3C) case, a constable)”;

(c) in Article 63A(7) after “paragraph (4)” insert “or (6A)”;

(d) in Article 64(1B), after “paragraph (1A)” insert “, (1AA)”.

13 Power to take fingerprints and samples: transitional provision

The provisions of—

section 10 (power to take fingerprints and samples: England and Wales),

section 11 (power to take fingerprints and samples: Scotland), and

section 12 (power to take fingerprints and samples: Northern Ireland),

have effect from the commencement of the relevant section regardless of when the control order was made.

Retention and use of fingerprints and samples

14 Material subject to the Police and Criminal Evidence Act 1984

- (1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.
- (2) In section 63A(1) (fingerprints, impressions of footwear and samples: what they may be checked against), for paragraphs (a) and (b) substitute—
 - “(a) other fingerprints, impressions of footwear or samples—
 - (i) 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 are held in connection with or as a result of an investigation of an offence, or
 - (ii) which are held by or on behalf of the Security Service or the Secret Intelligence Service;
 - (b) information derived from other samples—
 - (i) which is contained in records to which the person seeking to check has access and which are held as mentioned in paragraph (a)(i) above, or
 - (ii) which is held by or on behalf of the Security Service or the Secret Intelligence Service.”.
- (3) In section 63A(1ZA) (fingerprints from a person whose identity is unclear: what they may be checked against), for the words from “other fingerprints” to the end, substitute “other fingerprints—
 - (a) 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, or
 - (b) which are held by or on behalf of the Security Service or the Secret Intelligence Service.”.
- (4) In section 64(1A) (purposes for which fingerprints, impressions of footwear or samples may be retained and used), for the words from “except for purposes” to the end substitute “except as described in subsection (1AB)”.
- (5) After subsection (1AA) of that section (inserted by section 10), insert—

“(1AB) The fingerprints, impressions of footwear or samples may be used—

 - (a) in the interests of national security,
 - (b) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or

- (c) for purposes related to the identification of a deceased person or of the person from whom the material came.”.

- (6) In subsection (1B) of that section, after “(1AA)” (inserted by section 10) insert “or (1AB)”.

15 Material subject to the Police and Criminal Evidence (Northern Ireland) Order 1989

- (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#)) is amended as follows.

- (2) In Article 63A(1) (fingerprints and samples: what they may be checked against), for paragraphs (a) and (b), substitute—

- “(a) other fingerprints, impressions of footwear or samples—
 - (i) 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 are held in connection with or as a result of an investigation of an offence, or
 - (ii) which are held by or on behalf of the Security Service or the Secret Intelligence Service;
- (b) information derived from other samples—
 - (i) which is contained in records to which the person seeking to check has access and which are held as mentioned in paragraph (a)(i) above, or
 - (ii) which is held by or on behalf of the Security Service or the Secret Intelligence Service.”.

- (3) In Article 63A(1ZA) (fingerprints from a person whose identity is unclear: what they may be checked against), for “other fingerprints” to the end, substitute “other fingerprints—

- (a) 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, or
- (b) which are held by or on behalf of the Security Service or the Secret Intelligence Service.”.

- (4) In Article 64(1A) (purposes for which fingerprints or samples may be retained and used), for the words from “except for purposes” to the end substitute “except as described in paragraph (1AB)”.

- (5) After paragraph (1AA) of that Article (inserted by section 12) insert—

- “(1AB) The fingerprints, impressions of footwear or samples may be used—
 - (a) in the interests of national security,
 - (b) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or
 - (c) for purposes related to the identification of a deceased person or of the person from whom the material came.”.

- (6) In paragraph (1B) of that Article, after “(1AA)” (inserted by section 12) insert “or (1AB)”.

16 Material subject to the Terrorism Act 2000: England and Wales and Northern Ireland

- (1) Paragraph 14 of Schedule 8 to the Terrorism Act 2000 (rights of persons detained in England, Wales or Northern Ireland: retention and use of fingerprints and samples etc) is amended as follows.
- (2) In sub-paragraph (2) (purposes for which fingerprints and samples may be used) for the words from “or for purposes related” to the end substitute “or as mentioned in sub-paragraph (2A)”.
- (3) After that sub-paragraph insert—

“(2A) The fingerprints or samples may be used—

 - (a) in the interests of national security,
 - (b) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or
 - (c) for purposes related to the identification of a deceased person or of the person from whom the material came.”.
- (4) Omit sub-paragraph (3).
- (5) In sub-paragraph (4) (what fingerprints, samples or other information may be checked against), after paragraph (b) insert—

“(ba) material to which section 18 of the Counter-Terrorism Act 2008 applies.”.

17 Material subject to the Terrorism Act 2000: Scotland

- (1) Part 1 of Schedule 8 to the Terrorism Act 2000 (treatment of detained persons) is amended as follows.
- (2) In paragraph 20 (persons detained in Scotland: fingerprinting etc), in sub-paragraph (3) (retention and use of physical data or samples), for the words from “except” to the end substitute “except—
 - (a) for the purposes of a terrorist investigation,
 - (b) in the interests of national security, or
 - (c) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution.”.
- (3) After paragraph 20, insert—

“21 (1) Section 20 of the Criminal Procedure (Scotland) Act 1995 applies to relevant physical data or samples taken from a person detained under Schedule 7 or section 41 at a police station in Scotland with the following modifications.

 - (2) Omit the references to impressions.
 - (3) For the words from “against other such data” to the end substitute “, subject to paragraph 20(3) of Schedule 8 to the Terrorism Act 2000, against—
 - (a) other such data, samples and information,

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- (b) any of the fingerprints, samples and information mentioned in section 63A(1)(a) and (b) of the Police and Criminal Evidence Act 1984 (c. 60) (checking of fingerprints and samples), and
- (c) material to which section 18 of the Counter-Terrorism Act 2008 applies.”.

18 Material not subject to existing statutory restrictions

- (1) This section applies to—
 - (a) DNA samples or profiles, or
 - (b) fingerprints,that are not held subject to existing statutory restrictions.
- (2) Material to which this section applies that is held by a law enforcement authority in England and Wales or Northern Ireland may be retained by that authority and used—
 - (a) in the interests of national security,
 - (b) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or
 - (c) for purposes related to the identification of a deceased person or of the person from whom the material came,if the following condition is met.
- (3) The condition is that the material has been—
 - (a) obtained by the authority—
 - (i) pursuant to an authorisation under Part 3 of the Police Act 1997 (c. 50) (authorisation of action in respect of property), or
 - (ii) in the course of surveillance, or use of a covert human intelligence source, authorised under Part 2 of the Regulation of Investigatory Powers Act 2000 (c. 23),
 - (b) supplied to the authority by another law enforcement authority, or
 - (c) otherwise lawfully obtained or acquired by the authority for any of the purposes mentioned in subsection (2).
- (4) In subsection (2)—
 - (a) the reference to using material includes allowing a check to be made against it, or against information derived from it, or disclosing it to any person;
 - (b) the reference to crime includes any conduct that—
 - (i) constitutes a criminal offence (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, conduct that, if it took place in the United Kingdom, would constitute a criminal offence;
 - (c) the references to investigation and prosecution include, respectively, the investigation outside the United Kingdom of a crime or suspected crime and a prosecution brought in respect of a crime in a country or territory outside the United Kingdom.
- (5) In this section—
 - “DNA sample” means any material that has come from a human body and consists of or includes human cells;

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“DNA profile” means any information derived from a DNA sample;

“fingerprints” means a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of a person’s fingers or either of a person’s palms;

“law enforcement authority” means a police force, the Serious Organised Crime Agency or the Commissioners for Her Majesty’s Revenue and Customs or an authority having functions under the law of a country or territory outside the United Kingdom—

- (a) corresponding to those of a police force, or
- (b) otherwise involving the investigation or prosecution of offences;

“police force” means any of the following—

- (a) the metropolitan police force;
- (b) a police force maintained under section 2 of the Police Act 1996 (c. 16) (police forces in England and Wales outside London);
- (c) the City of London police force;
- (d) any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77);
- (e) the Police Service of Northern Ireland;
- (f) the Police Service of Northern Ireland Reserve;
- (g) the Ministry of Defence Police;
- (h) the Royal Navy Police;
- (i) the Royal Military Police;
- (j) the Royal Air Force Police;
- (k) the British Transport Police.

- (6) The following are “the existing statutory restrictions” referred to in subsection (1)—
 - (a) sections 63A and 64 of the Police and Criminal Evidence Act 1984 (c. 60);
 - (b) Articles 63A and 64 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));
 - (c) paragraph 14 or 20(3) of Schedule 8 to the Terrorism Act 2000 (c. 11);
 - (d) section 2(2) of the Security Service Act 1989 (c. 5);
 - (e) section 1(2) of the Intelligence Services Act 1994 (c. 13).

Disclosure of information and the intelligence services

19 Disclosure and the intelligence services

- (1) A person may disclose information to any of the intelligence services for the purposes of the exercise by that service of any of its functions.
- (2) Information obtained by any of the intelligence services in connection with the exercise of any of its functions may be used by that service in connection with the exercise of any of its other functions.
- (3) Information obtained by the Security Service for the purposes of any of its functions may be disclosed by it—
 - (a) for the purpose of the proper discharge of its functions,
 - (b) for the purpose of the prevention or detection of serious crime, or
 - (c) for the purpose of any criminal proceedings.

- (4) Information obtained by the Secret Intelligence Service for the purposes of any of its functions may be disclosed by it—
 - (a) for the purpose of the proper discharge of its functions,
 - (b) in the interests of national security,
 - (c) for the purpose of the prevention or detection of serious crime, or
 - (d) for the purpose of any criminal proceedings.
- (5) Information obtained by GCHQ for the purposes of any of its functions may be disclosed by it—
 - (a) for the purpose of the proper discharge of its functions, or
 - (b) for the purpose of any criminal proceedings.
- (6) A disclosure under this section does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (7) The provisions of this section are subject to section 20 (savings and other supplementary provisions).

20 Disclosure and the intelligence services: supplementary provisions

- (1) The provisions of section 19 (disclosure and use of information) do not affect the duties with respect to the obtaining or disclosure of information imposed—
 - (a) on the Director-General of the Security Service, by section 2(2) of the Security Service Act 1989;
 - (b) on the Chief of the Intelligence Service, by section 2(2) of the Intelligence Services Act 1994;
 - (c) on the Director of GCHQ, by section 4(2) of that Act.
- (2) Nothing in that section authorises a disclosure that—
 - (a) contravenes the Data Protection Act 1998 (c. 29), or
 - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23).
- (3) The provisions of that section are without prejudice to any rule of law authorising the obtaining, use or disclosure of information by any of the intelligence services.
- (4) Schedule 1 contains amendments consequential on that section.

21 Disclosure and the intelligence services: interpretation

- (1) In sections 19 and 20 “the intelligence services” means the Security Service, the Secret Intelligence Service and GCHQ.
- (2) References in section 19 to the functions of those services are—
 - (a) in the case of the Security Service, to the functions specified in section 1(2) to (4) of the Security Service Act 1989 (c. 5);
 - (b) in the case of the Secret Intelligence Service, to the functions specified in section 1(1)(a) and (b) of the Intelligence Services Act 1994 (c. 13), exercised in accordance with section 1(2) of that Act;
 - (c) in the case of GCHQ—

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

- (i) to the functions specified in section 3(1)(a) of that Act, exercised in accordance with section 3(2) of that Act, and
 - (ii) to the functions specified in section 3(1)(b) of that Act.
- (3) In sections 19, 20 and this section “GCHQ” has the same meaning as in the Intelligence Services Act 1994 (see section 3(3) of that Act).
- (4) Section 81(5) of the Regulation of Investigatory Powers Act 2000 (meaning of “prevention” and “detection”), so far as it relates to serious crime, applies for the purposes of section 19 as it applies for the purposes of the provisions of that Act not contained in Chapter 1 of Part 1.