



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 1

#### POWERS TO GATHER AND SHARE INFORMATION

##### *Retention and use of fingerprints and samples*

#### **[<sup>F1</sup>18E Sections 18 to 18E: supplementary provisions**

(1) In sections 18 to 18D and this section—

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

“DNA sample” means any material that has come from a human body and consists of or includes human cells;

“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) a police force,
- (aa) [<sup>F2</sup>the tri-service serious crime unit,]
- (b) the [<sup>F3</sup>National Crime Agency],
- (c) the Commissioners for Her Majesty's Revenue and Customs, or
- (d) a person formed or existing under the law of a country or territory outside the United Kingdom so far as exercising functions which—
  - (i) correspond to those of a police force, or
  - (ii) otherwise involve 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 (police forces in England and Wales outside London);
- (c) the City of London police force;
- (d) [<sup>F4</sup>the Police Service of Scotland;]

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- (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;

“recordable offence” has—

- (a) in relation to a conviction in England and Wales, the meaning given by section 118(1) of the Police and Criminal Evidence Act 1984, and
- (b) in relation to a conviction in Northern Ireland, the meaning given by Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));

“the responsible officer” means—

- (a) in relation to material obtained or acquired by a police force in England and Wales, the chief officer of the police force;
- (b) in relation to material obtained or acquired by the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve, the Chief Constable of the Police Service of Northern Ireland;
- (c) in relation to material obtained or acquired by the Ministry of Defence Police, the Chief Constable of the Ministry of Defence Police;
- (d) in relation to material obtained or acquired by the Royal Navy Police, the Royal Military Police or the Royal Air Force Police, the Provost Marshal for the police force which obtained or acquired the material;
- (da) [<sup>F5</sup>in relation to material obtained or acquired by the tri-service serious crime unit, the Provost Marshal for serious crime;]
- (e) in relation to material obtained or acquired by the British Transport Police, the Chief Constable of the British Transport Police;
- (f) in relation to material obtained or acquired by the [<sup>F6</sup>National Crime Agency], the Director General of the [<sup>F6</sup>National Crime Agency];
- (g) in relation to material obtained or acquired by the Commissioners for Her Majesty's Revenue and Customs, any of those Commissioners;
- (h) in relation to any other material, such person as the Secretary of State may by order specify;

“section 18 material” has the meaning given by section 18(2);

“terrorist investigation” has the meaning given by section 32 of the Terrorism Act 2000.

[<sup>F7</sup>“tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.]

- (2) An order under subsection (1) is subject to negative resolution procedure.
- (3) For the purposes of section 18A, a person is to be treated as having been convicted of an offence if the person—
  - (a) has been given a caution in respect of the offence which, at the time of the caution, the person has admitted,
  - (b) has been warned or reprimanded under section 65 of the Crime and Disorder Act 1998 for the offence,
  - (c) has been found not guilty of the offence by reason of insanity, or

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- (d) has been found to be under a disability and to have done the act charged in respect of the offence.
- (4) Sections 18A and this section, so far as they relate to persons convicted of an offence, have effect despite anything in the Rehabilitation of Offenders Act 1974.
- (5) But a person is not to be treated as having been convicted of an offence if that conviction is a disregarded conviction or caution by virtue of section 92 of the Protection of Freedoms Act 2012.
- (6) For the purposes of section 18A—
- (a) a person has no previous convictions if the person has not previously been convicted in England and Wales or Northern Ireland of a recordable offence, and
- (b) if the person has been previously so convicted of a recordable offence, the conviction is exempt if it is in respect of a recordable offence, other than a qualifying offence, committed when the person was aged under 18.
- (7) In subsection (6), “qualifying offence” has—
- (a) in relation to a conviction in respect of a recordable offence committed in England and Wales, the meaning given by section 65A of the Police and Criminal Evidence Act 1984, and
- (b) in relation to a conviction in respect of a recordable offence committed in Northern Ireland, the meaning given by Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (8) If a person is convicted of more than one offence arising out of a single course of action, those convictions are to be treated as a single conviction for the purposes of calculating under section 18A whether the person has been convicted of only one offence.]

#### Textual Amendments

- F1** Ss. 18-18E substituted for s. 18 (31.10.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 1 para. 4](#) (with s. 97); S.I. 2013/1814, art. 2(k)
- F2** Words in s. 18E(1) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 5 para. 34](#); S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F3** Words in s. 18E(1) substituted (7.10.2013) by [Crime and Courts Act 2013](#), s. 61(2), Sch. 8 para. 186; S.I. 2013/1682, [art. 3\(v\)](#)
- F4** Words in s. 18E(1) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 126\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(m)
- F5** Words in s. 18E(1) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 5 para. 35](#); S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F6** Words in s. 18E(1)(f) substituted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 41](#)
- F7** Words in s. 18E(1) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 5 para. 36](#); S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 18E.