



Crime and Security Act 2010

2010 CHAPTER 17

Taking of fingerprints and samples: England and Wales

4 Information to be given on taking of material

Fingerprinting

- (1) In section 61 of the Police and Criminal Evidence Act 1984 (fingerprinting), for subsection (7) there is substituted—

“(7) Where a person's fingerprints are taken without the appropriate consent by virtue of any power conferred by this section—

- (a) before the fingerprints are taken, the person shall be informed of—
 - (i) the reason for taking the fingerprints;
 - (ii) the power by virtue of which they are taken; and
 - (iii) in a case where the authorisation of the court or an officer is required for the exercise of the power, the fact that the authorisation has been given; and
- (b) those matters shall be recorded as soon as practicable after the fingerprints are taken.”

- (2) In that section, in subsection (7A)—

- (a) for “subsection (6A)”, in the first place, there is substituted “ subsection (4A), (6A) ”;
- (b) in paragraph (a), for the words from “(or” to “constable)” there is substituted “ (or, where by virtue of subsection (4A), (6A) or (6BA) the fingerprints are taken at a place other than a police station, the constable taking the fingerprints) ”.

- (3) In that section, in subsection (8) (requirement to record reason for taking fingerprints on custody record), for “the reason for taking them” there is substituted “ the matters referred to in subsection (7)(a)(i) to (iii) above ”.

Intimate samples

Changes to legislation: There are currently no known outstanding effects for the Crime and Security Act 2010, Section 4. (See end of Document for details)

- (4) In section 62 of that Act (intimate samples), for subsections (5) to (7A) there is substituted—
- “(5) Before an intimate sample is taken from a person, an officer shall inform him of the following—
- (a) the reason for taking the sample;
 - (b) the fact that authorisation has been given and the provision of this section under which it has been given; and
 - (c) if the sample was taken at a police station, the fact that the sample may be the subject of a speculative search.
- (6) The reason referred to in subsection (5)(a) above must include, except in a case where the sample is taken under subsection (2A) above, a statement of the nature of the offence in which it is suspected that the person has been involved.
- (7) After an intimate sample has been taken from a person, the following shall be recorded as soon as practicable—
- (a) the matters referred to in subsection (5)(a) and (b) above;
 - (b) if the sample was taken at a police station, the fact that the person has been informed as specified in subsection (5)(c) above; and
 - (c) the fact that the appropriate consent was given.”

(5) In that section, in subsection (8), the words “or (7A)” are repealed.

(6) In the Police Reform Act 2002, in Part 3 of Schedule 4 (powers exercisable by detention officers), in paragraph 30 (warnings about intimate samples), for “section 62(7A)(a)” there is substituted “section 62(5)(c)”.

Non-intimate samples

- (7) In section 63 of that Act (non-intimate samples), for subsections (6) to (8A) there is substituted—
- “(6) Where a non-intimate sample is taken from a person without the appropriate consent by virtue of any power conferred by this section—
- (a) before the sample is taken, an officer shall inform him of—
 - (i) the reason for taking the sample;
 - (ii) the power by virtue of which it is taken; and
 - (iii) in a case where the authorisation of an officer is required for the exercise of the power, the fact that the authorisation has been given; and
 - (b) those matters shall be recorded as soon as practicable after the sample is taken.
- (7) The reason referred to in subsection (6)(a)(i) above must include, except in a case where the non-intimate sample is taken under subsection (3B) or (3E) above, a statement of the nature of the offence in which it is suspected that the person has been involved.”
- (8) In that section, in subsection (9) (requirement to record matters on custody record), for “subsection (8) or (8A) or (8B)” there is substituted “subsection (6) or (8B)”.

Changes to legislation: There are currently no known outstanding effects for the Crime and Security Act 2010, Section 4. (See end of Document for details)

Commencement Information

II S. 4 in force at 7.3.2011 by [S.I. 2011/414](#), **art. 2(b)**

Changes to legislation:

There are currently no known outstanding effects for the Crime and Security Act 2010, Section 4.