



# Crime and Security Act 2010

## 2010 CHAPTER 17

### *Taking of fingerprints and samples: England and Wales*

#### **6 Power to require attendance at police station**

(1) In section 63A of the Police and Criminal Evidence Act 1984 (fingerprinting and samples: supplementary provisions), for subsections (4) to (8) there is substituted—

“(4) Schedule 2A (fingerprinting and samples: power to require attendance at police station) shall have effect.”

(2) In that Act, after Schedule 2 there is inserted—

“SCHEDULE 2A

Section 63A(4)

FINGERPRINTING AND SAMPLES: POWER TO  
REQUIRE ATTENDANCE AT POLICE STATION

#### **PART 1**

#### FINGERPRINTING

##### *Persons arrested and released*

- 1 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(5A).
- (2) The power under sub-paragraph (1) above may not be exercised in a case falling within section 61(5A)(b) (fingerprints taken on previous occasion insufficient etc) after the end of the period of six months beginning with the day on which the appropriate officer was informed that section 61(3A)(a) or (b) applied.
- (3) In sub-paragraph (2) above “appropriate officer” means the officer investigating the offence for which the person was arrested.

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*Changes to legislation: There are currently no known outstanding effects for the Crime and Security Act 2010, Section 6. (See end of Document for details)*

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*Persons charged etc*

- 2 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(5B).
- (2) The power under sub-paragraph (1) above may not be exercised after the end of the period of six months beginning with—
  - (a) in a case falling within section 61(5B)(a) (fingerprints not taken previously), the day on which the person was charged or informed that he would be reported, or
  - (b) in a case falling within section 61(5B)(b) (fingerprints taken on previous occasion insufficient etc), the day on which the appropriate officer was informed that section 61(3A)(a) or (b) applied.
- (3) In sub-paragraph (2)(b) above “appropriate officer” means the officer investigating the offence for which the person was charged or informed that he would be reported.

*Persons convicted etc of an offence in England and Wales*

- 3 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(6).
- (2) Where the condition in section 61(6ZA)(a) is satisfied (fingerprints not taken previously), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
  - (a) the day on which the person was convicted, cautioned or warned or reprimanded, or
  - (b) if later, the day on which this Schedule comes into force.
- (3) Where the condition in section 61(6ZA)(b) is satisfied (fingerprints taken on previous occasion insufficient etc), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
  - (a) the day on which an appropriate officer was informed that section 61(3A)(a) or (b) applied, or
  - (b) if later, the day on which this Schedule comes into force.
- (4) In sub-paragraph (3)(a) above “appropriate officer” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) above do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction, caution or warning or reprimand).

*Persons subject to a control order*

<sup>F14</sup> .....

*Persons convicted etc of an offence outside England and Wales*

- 5 A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(6D).

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### *Multiple attendance*

- 6 (1) Where a person's fingerprints have been taken under section 61 on two occasions in relation to any offence, he may not under this Schedule be required to attend a police station to have his fingerprints taken under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.
- (2) Where an authorisation is given under sub-paragraph (1) above—
- (a) the fact of the authorisation, and
  - (b) the reasons for giving it,
- shall be recorded as soon as practicable after it has been given.

## **PART 2**

### INTIMATE SAMPLES

#### *Persons suspected to be involved in an offence*

- 7 A constable may require a person to attend a police station for the purpose of taking an intimate sample from him under section 62(1A) if, in the course of the investigation of an offence, two or more non-intimate samples suitable for the same means of analysis have been taken from him but have proved insufficient.

#### *Persons convicted etc of an offence outside England and Wales*

- 8 A constable may require a person to attend a police station for the purpose of taking a sample from him under section 62(2A) if two or more non-intimate samples suitable for the same means of analysis have been taken from him under section 63(3E) but have proved insufficient.

## **PART 3**

### NON-INTIMATE SAMPLES

#### *Persons arrested and released*

- 9 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3ZA).
- (2) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3ZA)(b) (sample taken on a previous occasion not suitable etc) after the end of the period of six months beginning with the day on which the appropriate officer was informed of the matters specified in section 63(3ZA)(b)(i) or (ii).
- (3) In sub-paragraph (2) above, “appropriate officer” means the officer investigating the offence for which the person was arrested.

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*Persons charged etc*

- 10 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3A).
- (2) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(a) (sample not taken previously) after the end of the period of six months beginning with the day on which he was charged or informed that he would be reported.
- (3) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(b) (sample taken on a previous occasion not suitable etc) after the end of the period of six months beginning with the day on which the appropriate officer was informed of the matters specified in section 63(3A)(b)(i) or (ii).
- (4) In sub-paragraph (3) above “appropriate officer” means the officer investigating the offence for which the person was charged or informed that he would be reported.

*Persons convicted etc of an offence in England and Wales*

- 11 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3B).
- (2) Where the condition in section 63(3BA)(a) is satisfied (sample not taken previously), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
- (a) the day on which the person was convicted, cautioned or warned or reprimanded, or
  - (b) if later, the day on which this Schedule comes into force.
- (3) Where the condition in section 63(3BA)(b) is satisfied (sample taken on a previous occasion not suitable etc), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
- (a) the day on which an appropriate officer was informed of the matters specified in section 63(3BA)(b)(i) or (ii), or
  - (b) if later, the day on which this Schedule comes into force.
- (4) In sub-paragraph (3)(a) above “appropriate officer” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) above do not apply where—
- (a) the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction, caution or warning or reprimand), or
  - (b) he was convicted before 10th April 1995 and is a person to whom section 1 of the Criminal Evidence (Amendment) Act 1997 applies.

*Persons subject to a control order*

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*Changes to legislation:* There are currently no known outstanding effects for the Crime and Security Act 2010, Section 6. (See end of Document for details)

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*Persons convicted etc of an offence outside England and Wales*

- 13 A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3E).

*Multiple exercise of power*

- 14 (1) Where a non-intimate sample has been taken from a person under section 63 on two occasions in relation to any offence, he may not under this Schedule be required to attend a police station to have another such sample taken from him under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.
- (2) Where an authorisation is given under sub-paragraph (1) above—
- (a) the fact of the authorisation, and
  - (b) the reasons for giving it,
- shall be recorded as soon as practicable after it has been given.

**PART 4**

GENERAL AND SUPPLEMENTARY

*Requirement to have power to take fingerprints or sample*

- 15 A power conferred by this Schedule to require a person to attend a police station for the purposes of taking fingerprints or a sample under any provision of this Act may be exercised only in a case where the fingerprints or sample may be taken from the person under that provision (and, in particular, if any necessary authorisation for taking the fingerprints or sample under that provision has been obtained).

*Date and time of attendance*

- 16 (1) A requirement under this Schedule—
- (a) shall give the person a period of at least seven days within which he must attend the police station; and
  - (b) may direct him so to attend at a specified time of day or between specified times of day.
- (2) In specifying a period or time or times of day for the purposes of sub-paragraph (1) above, the constable shall consider whether the fingerprints or sample could reasonably be taken at a time when the person is for any other reason required to attend the police station.
- (3) A requirement under this Schedule may specify a period shorter than seven days if—
- (a) there is an urgent need for the fingerprints or sample for the purposes of the investigation of an offence; and
  - (b) the shorter period is authorised by an officer of at least the rank of inspector.

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- (4) Where an authorisation is given under sub-paragraph (3)(b) above—
- (a) the fact of the authorisation, and
  - (b) the reasons for giving it,
- shall be recorded as soon as practicable after it has been given.
- (5) If the constable giving a requirement under this Schedule and the person to whom it is given so agree, it may be varied so as to specify any period within which, or date or time at which, the person must attend; but a variation shall not have effect unless confirmed by the constable in writing.

### *Enforcement*

- 17 A constable may arrest without warrant a person who has failed to comply with a requirement under this Schedule.”
- (3) In that Act, in section 27 (fingerprinting of certain offenders), subsections (1) to (3) are repealed.
- (4) In the Police Reform Act 2002, in Part 3 of Schedule 4 (powers exercisable by detention officers)—
- (a) in paragraph 25 (attendance at police station for fingerprinting), for “section 27(1) of the 1984 Act (fingerprinting of suspects)” there is substituted “ Schedule 2A to the 1984 Act (fingerprinting and samples: power to require attendance at a police station) ”;
  - (b) in paragraph 32 (attendance at police station for the taking of a sample), for the words from “subsection (4)” to “samples)” there is substituted “ Schedule 2A to the 1984 Act (fingerprinting and samples: power to require attendance at a police station) ”.

#### **Textual Amendments**

- F1** Words in s. 6(2) omitted (15.12.2011) by virtue of [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\), s. 31\(2\), Sch. 7 para. 6\(2\)](#) (with Sch. 8)

#### **Commencement Information**

- I1** S. 6(1) in force at 7.3.2011 by [S.I. 2011/414, art. 2\(c\)](#)
- I2** S. 6(2) in force at 7.3.2011 for specified purposes by [S.I. 2011/414, art. 2\(d\)](#)
- I3** S. 6(3)(4) in force at 7.3.2011 by [S.I. 2011/414, art. 2\(e\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Security Act 2010, Section 6.