



# 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)”.

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(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) .....

**Textual Amendments**

**F1** S. 117(6)-(10) repealed (31.10.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 1](#) (with s. 97); [S.I. 2013/2104](#), art. 3(d)

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**Commencement Information**

**I1** S. 117(1)(2) in force at 7.3.2011 by [S.I. 2011/410](#), [art. 2\(a\)](#)

**I2** S. 117(4)(a) in force at 7.3.2011 by [S.I. 2011/410](#), [art. 2\(b\)](#)

**I3** S. 117(5) in force at 7.3.2011 by [S.I. 2011/410](#), [art. 2\(c\)](#)

**118 Impressions of footwear**

- (1) PACE is amended as provided in subsections (2) to (4).
- (2) After section 61 insert—

**“61A Impressions of footwear**

- (1) Except as provided by this section, no impression of a person's footwear may be taken without the appropriate consent.
- (2) Consent to the taking of an impression of a person's footwear must be in writing if it is given at a time when he is at a police station.
- (3) Where a person is detained at a police station, an impression of his footwear may be taken without the appropriate consent if—

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- (a) he is detained in consequence of his arrest for a recordable offence, or has been charged with a recordable offence, or informed that he will be reported for a recordable offence; and
  - (b) he has not had an impression taken of his footwear in the course of the investigation of the offence by the police.
- (4) Where a person mentioned in paragraph (a) of subsection (3) above has already had an impression taken of his footwear in the course of the investigation of the offence by the police, that fact shall be disregarded for the purposes of that subsection if the impression of his footwear taken previously is—
- (a) incomplete; or
  - (b) is not of sufficient quality to allow satisfactory analysis, comparison or matching (whether in the case in question or generally).
- (5) If an impression of a person's footwear is taken at a police station, whether with or without the appropriate consent—
- (a) before it is taken, an officer shall inform him that it may be the subject of a speculative search; and
  - (b) the fact that the person has been informed of this possibility shall be recorded as soon as is practicable after the impression has been taken, and if he is detained at a police station, the record shall be made on his custody record.
- (6) In a case where, by virtue of subsection (3) above, an impression of a person's footwear is taken without the appropriate consent—
- (a) he shall be told the reason before it is taken; and
  - (b) the reason shall be recorded on his custody record as soon as is practicable after the impression is taken.
- (7) The power to take an impression of the footwear of a person detained at a police station without the appropriate consent shall be exercisable by any constable.
- (8) Nothing in this section applies to any person—
- (a) arrested or detained under the terrorism provisions;
  - (b) arrested under an extradition arrest power.”
- (3) Section 63A (fingerprints and samples: supplementary provisions) is amended as follows—
- (a) in subsection (1), after “fingerprints”, in both places, insert “ , impressions of footwear ”,
  - (b) in subsection (1C)—
    - (i) in paragraph (a), after “fingerprints” insert “ , impressions of footwear ”,
    - (ii) in paragraph (b), after “fingerprints” insert “ , of the impressions of footwear ”,
    - (iii) after the third “fingerprints” insert “ or impressions of footwear ”,
    - (iv) after the fourth “fingerprints” insert “ , impressions of footwear ”.

F2(4) .....

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**Changes to legislation:** *Serious Organised Crime and Police Act 2005, Cross Heading: Fingerprints and footwear impressions is up to date with all changes known to be in force on or before 14 May 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*

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#### **Textual Amendments**

- F2** S. 118(4) repealed (31.10.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 1](#) (with s. 97); [S.I. 2013/2104](#), art. 3(d)
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#### **Commencement Information**

- I4** S. 118 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(p\)](#)

**Changes to legislation:**

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**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