

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 2

DETENTION

Fingerprints and samples: England, Wales and Northern Ireland

- 34 (1) This paragraph applies where a detainee is detained in England, Wales or Northern Ireland.
- (2) Fingerprints may be taken from the detainee only if they are taken by a constable—
- (a) with the appropriate consent given in writing, or
 - (b) without that consent under sub-paragraph (4).
- (3) A non-intimate sample may be taken from the detainee only if it is taken by a constable—
- (a) with the appropriate consent given in writing, or
 - (b) without that consent under sub-paragraph (4).
- (4) Fingerprints or a non-intimate sample may be taken from the detainee without the appropriate consent only if—
- (a) the detainee is detained at a police station and a police officer of at least the rank of superintendent authorises the fingerprints or sample to be taken, or
 - (b) the detainee has been convicted of a recordable offence and, where a non-intimate sample is to be taken, was convicted of the offence on or after 10th April 1995 (or 29th July 1996 where the non-intimate sample is to be taken in Northern Ireland).
- (5) An officer may give an authorisation under sub-paragraph (4)(a) only if—
- (a) in the case of the taking of fingerprints or samples, condition 1 is met, or
 - (b) in the case of the taking of fingerprints, condition 2 is met.
- (6) Condition 1 is met if the officer is satisfied that it is necessary for the fingerprints or sample to be taken in order to assist in determining whether the detainee is or has been engaged in hostile activity.
- (7) Condition 2 is met if—
- (a) the officer is satisfied that the fingerprints of the detainee will facilitate the ascertainment of the detainee's identity, and
 - (b) the detainee has refused to identify himself or herself or the officer has reasonable grounds for suspecting that the detainee is not who the detainee claims to be.

Status: This is the original version (as it was originally enacted).

- (8) In this paragraph references to ascertaining a person's identity include references to showing that the person is not a particular person.
- (9) If an authorisation under sub-paragraph (4)(a) is given orally, the person giving it must confirm it in writing as soon as is reasonably practicable.