

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Paragraph 35. (See end of Document for details)

SCHEDULES

SCHEDULE 3

BORDER SECURITY

Modifications etc. (not altering text)

- C1** Sch. 3 modified (30.9.2020 immediately after the amendments by S.I. 2020/915, art. 5 come into force) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), arts. 1(3), **6**
- C1** Sch. 3 modified by S.I. 1994/1405, **art. 7** (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(3), **11**)
- C1** Sch. 3 modified by S.I. 1993/1813, **Sch. 4 para. 7** (as inserted (12.2.2019 for specified purposes; 13.8.2020 in so far as not already in force) by [Counter Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(1)(g), Sch. 3 para. 63(1) (with s. 25(9), **Sch. 3 para. 63(2)**); S.I. 2020/792, **reg. 2(g)**)

PART 2

DETENTION

Fingerprints and samples: England, Wales and Northern Ireland

- 35 (1) Before fingerprints or a sample are taken from a person under paragraph 34, the person must be informed—
- (a) that the fingerprints or sample may be used for the purposes of—
 - (i) a relevant search, as defined by paragraph 43(6),
 - (ii) section 63A(1) of the Police and Criminal Evidence Act 1984, or
 - (iii) Article 63A(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)), and
 - (b) where the fingerprints or sample are to be taken under paragraph 34(2)(a), (3)(a) or (4)(b), of the reason for taking the fingerprints or sample.
- (2) Before fingerprints or a sample are taken from a detainee upon an authorisation given under paragraph 34(4)(a), the detainee must be informed—
- (a) that the authorisation has been given,
 - (b) of the grounds upon which it has been given, and
 - (c) where relevant, of the nature of the offence in which it is suspected that the detainee has been involved.
- (3) After fingerprints or a sample are taken under paragraph 34, any of the following which apply must be recorded as soon as reasonably practicable—
- (a) the fact that the person has been informed in accordance with sub-paragraphs (1) and (2),

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- (b) the reason referred to in sub-paragraph (1)(b),
 - (c) the authorisation given under paragraph 34(4)(a),
 - (d) the grounds upon which that authorisation has been given, and
 - (e) the fact that the appropriate consent has been given.
- (4) Where a sample of hair is to be taken under paragraph 34, the sample may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than the person taking the sample reasonably considers to be necessary for a sufficient sample.

Commencement Information

- I1** Sch. 3 para. 35 in force at Royal Assent for specified purposes, see. s. 27(1)(g)(2)(c)
- I2** Sch. 3 para. 35 in force at 13.8.2020 in so far as not already in force by [S.I. 2020/792, reg. 2\(g\)](#)

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