

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 2

DETENTION

Destruction and retention of fingerprints and samples etc: United Kingdom

- 47 (1) This paragraph applies where paragraph 43 material is or includes a person's fingerprints ("the original fingerprints").
- (2) A constable may make a determination under this paragraph in respect of any further fingerprints taken from, or provided by, the same person ("the further fingerprints") if conditions 1 and 2 are met.
- (3) Condition 1 is met if the further fingerprints—
- (a) are paragraph 43 material,
 - (b) are taken or provided under or by virtue of—
 - (i) Part 5 of the Police and Criminal Evidence Act 1984,
 - (ii) Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),
 - (iii) any provision, power or authority mentioned in section 18G(1) of the Criminal Procedure (Scotland) Act 1995,
 - (iv) paragraph 10 of Schedule 8 to the Terrorism Act 2000, or
 - (v) paragraph 1 or 4 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or
 - (c) are material to which section 18 of the Counter-Terrorism Act 2008 applies.
- (4) Condition 2 is met if—
- (a) in a case where the further fingerprints are material to which section 18 of the Counter-Terrorism Act 2008 applies, the original fingerprints and the further fingerprints are held under the law of the same part of the United Kingdom;
 - (b) in any other case, the original fingerprints and the further fingerprints were taken from or provided by the person in the same part of the United Kingdom.
- (5) Where a determination under this paragraph is made in respect of the further fingerprints—
- (a) the further fingerprints may be retained for as long as the original fingerprints are retained under any power conferred by paragraph 44 or 46, and
 - (b) a requirement under any enactment to destroy the further fingerprints does not apply for as long as their retention is authorised by paragraph (a).

Status: This is the original version (as it was originally enacted).

- (6) Sub-paragraph (5)(a) does not prevent the further fingerprints being retained after the original fingerprints fall to be destroyed if the continued retention of the further fingerprints is authorised under any enactment.
- (7) A written record must be made of a determination under this paragraph.