

FINGERPRINTS

CHAPTER 8:02

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CHAPTER 8:02

FINGERPRINTS

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An Act to facilitate the identification of criminals by means of fingerprints	5 of 1928 30 of 1969 G.N. 22/1963 16/1964(M)
[14TH APRIL, 1928]	
1. This Act may be cited as the Fingerprints Act.	Short title
2. In this Act and any Rules made hereunder, unless the context otherwise requires—	Interpretation
“authorized officer” means any police officer or prison officer of Malaŵi;	
“fingerprints” include the marks made by the papillary ridges of the fingers and palms of the hands and the toes and soles of the feet;	
“fingerprint form” means a piece of paper or cardboard printed in accordance with Rules framed under this Act.	30 of 1969
3.—(1) An authorized officer may take the fingerprints of any person in lawful custody for any offence, whether accused or convicted, or who is subject to police supervision.	Power to take fingerprints of accused or convicted persons
(2) The person whose fingerprints are taken, if able to write, shall sign the form in the place provided for the purpose.	
(3) If any such person, when required to do so by an authorized officer, refuses to have his fingerprints taken or to sign the fingerprint form, he shall commit an offence and be liable to a fine of ten pounds and to imprisonment for one month and to enable such fingerprints to be taken reasonable force may be used by an authorized officer with the permission, and in the presence, of a magistrate or an officer in charge of police of the rank of Inspector or above.	30 of 1969
4. If the person whose fingerprints are taken is convicted of any offence, his conviction and sentence shall be recorded in the space provided for the purpose on the fingerprint form.	Conviction to be recorded on fingerprint form
If he is acquitted, the fingerprint form shall be destroyed.	

Establishment
of fingerprint
bureau

5. There shall be established at a place to be approved by the Minister an office (in this Act and any Rules made hereunder referred to as the "fingerprint bureau") for the preservation, comparison and indexing of the fingerprint forms.

Fingerprint
forms to be
evidence

6. Where the fingerprints on a fingerprint form purport to have been taken and the entries thereon purport to have been made by an authorized officer, the fingerprint form shall be admissible in evidence without proof, and shall be *prima facie* evidence of the conviction and sentence of the person whose fingerprints are impressed thereon.

Proof of
conviction by
fingerprints

7. For the purpose of proving a previous conviction of a person accused or convicted of any offence, a certificate in the form contained in the Rules made under this Act and purporting to be signed by the officer in charge of the fingerprint bureau, or by the officer in charge of any fingerprint bureau without Malawi, shall be admissible in evidence without proof, and shall be *prima facie* evidence that the fingerprints to which the certificate relates are the fingerprints of the same person and also of the previous convictions and sentences recorded in the certificate.

Power to
make Rules

8. The Minister may make Rules regulating the work of the fingerprint bureau, and for the better carrying out of the purposes of this Act, and any person guilty of a breach of such Rules shall be liable to a fine of £10 and to imprisonment for one month

Saving
6 of 1921

9. Any fingerprints taken under the Prisoners Identification Ordinance, 1921 (now repealed) shall be deemed to have been taken under this Act, and the forms on which such fingerprints were taken shall be deemed to be fingerprint forms as defined by this Act.

SUBSIDIARY LEGISLATION**FINGERPRINTS RULES**

G.N.

203/1928

196/1958

under s. 8

1. These Rules may be cited as the Fingerprints Rules.

Citation

2. The fingerprint bureau, subject to the general supervision of the Commissioner of Police, shall be under the control of a police officer expert in the comparison of fingerprints to be appointed from time to time by the said Commissioner.

Fingerprint
bureau

Completed fingerprint forms shall be sent to and be preserved at the fingerprint bureau.

3. The fingerprint form shall be in the form set out on the obverse in the Schedule.

Fingerprint
form

4. All fingerprints taken under the Act shall be made by pressing the fingers and thumbs on an inked pad or plate and then on a fingerprint form in accordance with directions printed on the form.

Method of
taking
fingerprints

As many impressions may be taken as may be required.

5. The certificate referred to in section 7 of the Act shall be in the form set out on the reverse in the Schedule.

Certificate
referred to in
section 7

[Subsidiary]

Fingerprints Rules

SCHEDULE

r.3

OBVERSE

MALAWI POLICE

NAME	<i>For use in C.R.O.</i>
ALIAS	Date of Search.....
STATION.....	F.P. No..... C.R.O. No.....
C.R. NUMBER.....	Classification.....
C.R. Number (if known).....	Classified by.....Date.....
Fingerprints taken by:	Checked by Date.....
No..... Rank..... Date	Result of search:
Offence (with section and law)	_____

Right hand	Right Thumb	Right Fore Finger	Right Middle Finger	Right Ring Finger	Right Little Finger	Right hand
	(fold)				(fold)	
Left hand	Left Thumb	Left Fore Finger	Left Middle Finger	Left Ring Finger	Left Little Finger	Left hand
	(fold)				(fold)	

Fingerprints Rules

[Subsidiary]

Left hand	Plain impression of the Four Fingers taken simultaneously	Plain impression of the Four Fingers taken simultaneously	Right hand
	(fold)	(fold)	

Nationality or race..... Address particulars..... Age.....Height..... Build.....Hair..... Build Hair Bodily marks, scars, tattoo marks, etc	Signature of accused _____ Right Fore-finger to be impressed immediately after signature is written
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The following certificate must be completed by the *Prosecutor*, in the *exact wording* of the sentence and offence appearing in the Court Record or Committal Warrant.

Sentence by Court at..... on

To (sentence).....

For (offence).....

Court Record No..... Certified by Rank..... Date

High Court revisions, etc., if any (red ink)

see certificate of comparison of fingerprints on reverse.

[Subsidiary]

Fingerprints Rules

REVERSE

I hereby certify that I have compared the fingerprints No. F.P. overleaf, which purport to have been taken at on the day of and to be the fingerprints of a male (female) person named with the fingerprints on the Fingerprint Forms the particulars recorded on which are as follows—

Form No. Fingerprint	Full Name and alias	Place where and date when fingerprints were taken	Court by which convicted	Place where convicted	Date of conviction	Offence of which convicted	Sentence

And that the fingerprints on all the said forms are the fingerprints of the same person.

Date

Officer in Charge of Fingerprint Bureau