



# Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

## PART 4

### POLICE INVESTIGATORY AND OTHER POWERS

#### CHAPTER 4

##### TAKING OF PRINTS AND SAMPLES FROM CERTAIN CHILDREN

###### *Taking of prints and samples in urgent cases*

#### **69 Taking of prints and samples in urgent cases**

- (1) A constable may, subject to subsection (4), take relevant physical data or a relevant sample from a child if authorised to do so by a relevant senior officer under subsection (2).
- (2) The relevant senior officer may authorise the constable to take relevant physical data or a relevant sample from the child only if that officer is satisfied that—
  - (a) there are reasonable grounds to suspect that the child—
    - (i) by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or
    - (ii) by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person,
  - (b) the taking of relevant physical data or a relevant sample from the child is necessary to properly investigate the child's behaviour and the circumstances surrounding it (including whether a person other than the child has committed an offence), and
  - (c) that it is not practicable to apply for an order under section 63 authorising the taking of that data or sample because of the risk that, if the data or sample is not taken immediately, evidence derived from the data or sample, or the sample, would be lost or destroyed.

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*Status: This is the original version (as it was originally enacted).*

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- (3) In considering the matters mentioned in subsection (2), the relevant senior officer must have regard to—
- (a) the nature and seriousness of the child’s behaviour,
  - (b) whether the taking of relevant physical data or relevant samples is appropriate given the child’s circumstances (including the child’s age and any matter related to the child’s behaviour).
- (4) Intimate samples may not be taken from a child under this section.
- (5) In this section, a “relevant senior officer” is an officer—
- (a) of the rank of superintendent or above,
  - (b) who has not been involved in the investigation in connection with which the taking of the relevant physical data or relevant sample is sought.