



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART II

POLICE FUNCTIONS

Prints and samples

[^{F1}19C Sections 18 and 19 to 19AA: use of samples etc.

(1) Subsection (2) applies to—

- (a) relevant physical data taken or provided under section 18(2), 19(2)(a), 19A(2)(a) or 19AA(3)(a) [^{F2}(including any taken or provided by virtue of paragraph 20 of Schedule 8 to the Terrorism Act 2000 [^{F3}or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019][^{F4}or paragraph 18 of Schedule 6 to the National Security Act 2023]),
- (b) a sample, or any information derived from a sample, taken under section 18(6) or (6A), 19(2)(b) or (c), 19A(2)(b) or (c) or 19AA(3)(b) or (c) [^{F5}(including any taken or provided by virtue of paragraph 20 of Schedule 8 to the Terrorism Act 2000 [^{F6}or by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019][^{F7}or paragraph 18 of Schedule 6 to the National Security Act 2023]),
- (c) relevant physical data or a sample taken from a person—
 - (i) by virtue of any power of search,
 - (ii) by virtue of any power to take possession of evidence where there is immediate danger of its being lost or destroyed, or
 - (iii) under the authority of a warrant,
- (d) information derived from a sample falling within paragraph (c), and
- (e) relevant physical data, a sample or information derived from a sample taken from, or provided by, a person outwith Scotland which is given by any person to—
 - [^{F8}(i) the Police Service of Scotland (“the Police Service”),]
 - (ii) the Scottish Police [^{F9}Authority (“the Authority”),] or

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- (iii) a person acting on behalf of ^{F10}the Police Service or the Authority].
- (2) The relevant physical data, sample or information derived from a sample may be used—
- (a) for the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, ^{F11} ...
 - (b) for the identification of a deceased person or a person from whom the relevant physical data or sample came,
 - ^{F12}(c)
 - [in the interests of national security, ^{F13} ...
 - [for the purposes of investigating foreign power threat activity, or]
 - ^{F14}(ca) (d) for the purposes of a terrorist investigation].
- (3) Subsections (4) and (5) apply to relevant physical data, a sample or information derived from a sample falling within any of paragraphs (a) to (d) of subsection (1) (“relevant material”).
- (4) If the relevant material is held by ^{F15}the Police Service, the Authority or a person acting on behalf of the Police Service or the Authority, the Police Service] or, as the case may be, the Authority or person may give the relevant material to another person for use by that person in accordance with subsection (2).
- (5) ^{F16}The Police Service, the Authority or a person acting on behalf of the Police Service or the Authority] may, in using the relevant material in accordance with subsection (2), check it against other relevant physical data, samples and information derived from samples received from another person.
- (6) In subsection (2)—
- (a) the reference to crime includes a reference to—
 - (i) conduct which constitutes a criminal offence or two or more criminal offences (whether under the law of a part of the United Kingdom or a country or territory outside the United Kingdom), or
 - (ii) conduct which is, or corresponds to, conduct which, if it all took place in any one part of the United Kingdom would constitute a criminal offence or two or more criminal offences,
 - (b) the reference to an investigation includes a reference to an investigation outside Scotland of a crime or suspected crime, ^{F17} ...
 - (c) the reference to a prosecution includes a reference to a prosecution brought in respect of a crime in a country or territory outside Scotland ^{F18}, ^{F19} ...
 - [“foreign power threat activity” has the meaning given by section 33 of the
 - ^{F20}(ca) National Security Act 2023, and]
 - (d) “terrorist investigation” has the meaning given by section 32 of the Terrorism Act 2000.]
- (7) This section is without prejudice to any other power relating to the use of relevant physical data, samples or information derived from a sample.]

Textual Amendments

- F1** S. 19C inserted (1.8.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. **82(1)**, 206(1); S.S.I. 2011/178, art. 2, sch. (with art. 9)

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- F2** Words in s. 19C(1)(a) inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1(3), **Sch. para. 1(a)** (with art. 4(1)(4))
- F3** Words in s. 19C(1)(a) inserted (13.8.2020) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(2)(d), **Sch. 4 para. 22(3)(a)**; S.I. 2020/792, reg. 2(i)
- F4** Words in s. 19C(1)(a) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 18 para. 7(2)** (with s. 97); S.I. 2023/1272, reg. 2(f)
- F5** Words in s. 19C(1)(b) inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1(3), **Sch. para. 1(a)** (with art. 4(1)(4))
- F6** Words in s. 19C(1)(b) inserted (13.8.2020) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(2)(d), **Sch. 4 para. 22(3)(b)**; S.I. 2020/792, reg. 2(i)
- F7** Words in s. 19C(1)(b) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 18 para. 7(2)** (with s. 97); S.I. 2023/1272, reg. 2(f)
- F8** S. 19C(1)(e)(i) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 12(8)(a)(i)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F9** Words in s. 19C(1)(e)(ii) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 12(8)(a)(ii)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F10** Words in s. 19C(1)(e)(iii) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 12(8)(a)(iii)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F11** Word in s. 19C(2)(a) omitted (16.9.2011) by virtue of The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1(3), **Sch. para. 1(b)(i)** (with art. 4(1)(4))
- F12** S. 19C(2)(c)(d) inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1(3), **Sch. para. 1(b)(ii)** (with art. 4(1)(4))
- F13** Word in s. 19C(2)(c) omitted (20.12.2023) by virtue of National Security Act 2023 (c. 32), s. 100(1), **Sch. 18 para. 7(3)(a)** (with s. 97); S.I. 2023/1272, reg. 2(f)
- F14** S. 19C(2)(ca) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 18 para. 7(3)(b)** (with s. 97); S.I. 2023/1272, reg. 2(f)
- F15** Words in s. 19C(4) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 12(8)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F16** Words in s. 19C(5) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 12(8)(c)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F17** Word in s. 19C(6)(b) omitted (16.9.2011) by virtue of The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1(3), **Sch. para. 1(c)(i)** (with art. 4(1)(4))
- F18** S. 19C(6)(d) and word inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1(3), **Sch. para. 1(c)(ii)** (with art. 4(1)(4))
- F19** Word in s. 19C(6)(c) omitted (20.12.2023) by virtue of National Security Act 2023 (c. 32), s. 100(1), **Sch. 18 para. 7(4)(a)** (with s. 97); S.I. 2023/1272, reg. 2(f)
- F20** S. 19C(6)(ca) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 18 para. 7(4)(b)** (with s. 97); S.I. 2023/1272, reg. 2(f)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)