



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)],
- (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) [^{F3}(including any taken or provided by virtue of paragraph 20 of Schedule 8 to the Terrorism Act 2000)],
- (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—
 - [^{F4}(i) the Police Service of Scotland (“the Police Service”),]
 - (ii) the Scottish Police [^{F5}Authority (“the Authority”),] or
 - (iii) a person acting on behalf of [^{F6}the Police Service or the Authority].

(2) The relevant physical data, sample or information derived from a sample may be used—

Status: Point in time view as at 16/08/2013. This version of this provision has been superseded.

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- (a) for the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution,^{F7}...
 - (b) for the identification of a deceased person or a person from whom the relevant physical data or sample came.
 - ^{F8}(c) [in the interests of national security, or
 - (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 [^{F9}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) [^{F10}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,^{F11}...
 - (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 [^{F12}, 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)
- 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)(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))
- F4** 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)

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- F5** 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)
- F6** 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)
- F7** 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))
- F8** 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))
- F9** 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)
- F10** 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)
- F11** 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))
- F12** 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))

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