

**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Cross Heading: Criminal Procedure (Scotland) Act 1995. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### RETENTION OF BIOMETRIC DATA FOR COUNTER-TERRORISM PURPOSES ETC

##### *Criminal Procedure (Scotland) Act 1995*

6 The Criminal Procedure (Scotland) Act 1995 is amended as follows.

#### **Commencement Information**

**II** Sch. 2 para. 6 in force at 13.8.2020 by S.I. 2020/792, reg. 2(e)

- 7
- (1) Section 18G (retention of samples etc: national security) is amended as follows.
  - (2) In subsection (2) for “the relevant chief constable” substitute “ the chief constable of the Police Service of Scotland ”.
  - (3) In subsection (3) for “the relevant chief constable” substitute “ the chief constable of the Police Service of Scotland ”.
  - (4) In subsection (4)(b) for “2 years” substitute “ 5 years ”.
  - (5) Omit subsection (6).

#### **Commencement Information**

**I2** Sch. 2 para. 7 in force at 13.8.2020 by S.I. 2020/792, reg. 2(e)

8 After section 18G insert—

#### **“18GA Retention of further fingerprints**

- (1) This section applies where—
  - (a) relevant physical data to which section 18G applies has been taken from or provided by a person, and
  - (b) the data is or includes the person's fingerprints (“the original fingerprints”).
- (2) A constable may make a determination under this section in respect of any further fingerprints taken from, or provided by, the same person (“the further fingerprints”) if—
  - (a) the further fingerprints were taken under or by virtue of—
    - (i) any provision, power or authority mentioned in section 18G(1), or
    - (ii) paragraph 4 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, and

---

**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Cross Heading: Criminal Procedure (Scotland) Act 1995. (See end of Document for details)

---

- (b) the further fingerprints or the original fingerprints were taken—
  - (i) in connection with a terrorist investigation, as defined by section 32 of the Terrorism Act 2000, or
  - (ii) under a power conferred by virtue of paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.
- (3) Where a determination under this section is made in respect of the further fingerprints—
  - (a) the further fingerprints may be retained for as long as the original fingerprints are retained in accordance with this Part, 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).
- (4) Subsection (3)(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.
- (5) A written record must be made of a determination under this section.”

---

**Commencement Information**

**I3** Sch. 2 para. 8 in force at 13.8.2020 by S.I. 2020/792, reg. 2(e)

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Cross Heading: Criminal Procedure (Scotland) Act 1995.