



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 8

#### EVIDENTIAL, JURISDICTIONAL AND PROCEDURAL MATTERS

##### *Evidential matters*

#### **55 Taking samples by swabbing**

- (1) The 1995 Act is amended as follows.
- (2) In section 18 (prints, samples etc. in criminal investigations)—
  - (a) in subsection (6), paragraph (d) is repealed; and
  - (b) after that subsection there is inserted—

“(6A) A constable, or at a constable’s direction a police custody and security officer, may take from the inside of the person’s mouth, by means of swabbing, a sample of saliva or other material.”
- (3) In each of sections 19(2) (prints, samples etc. in criminal investigations: supplementary provisions) and 19A(2) (samples etc. from persons convicted of sexual and violent offences)—
  - (a) the word “and” which immediately follows paragraph (a) is repealed;
  - (b) in paragraph (b), for the word “(d)” there is substituted “(c)”; and
  - (c) after that paragraph there is added the word “and” and the following paragraph—

“(c) take, or direct a police custody and security officer to take, from the person any sample mentioned in subsection (6A) of that section by the means specified in that subsection.”
- (4) In section 19B (power of constable in obtaining relevant physical data etc.), the existing provisions become subsection (1); and after that subsection there is added—

“(2) A constable may, with the authority of an officer of a rank no lower than inspector, use reasonable force in (himself) exercising any power conferred by section 18(6A), 19(2)(c) or 19A(2)(c) of this Act.”