

Status: This version of this provision is prospective.

Changes to legislation: *Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 82 is up to date with all changes known to be in force on or before 16 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 3

CRIMINAL JUSTICE

Powers in relation to suspects and witnesses

PROSPECTIVE

82 Power to take fingerprints to establish identity of suspect

(1) Section 13 of the 1995 Act (which gives police constables certain powers in relation to suspects and witnesses) is amended as follows.

(2) After subsection (1A) (as inserted by section 81) there is inserted—

“(1B) The constable may, if the person mentioned in paragraph (a) of subsection (1) gives a name and address, require the person to provide—

- (a) the person's fingerprints; or
- (b) a record, created by a device approved by the Scottish Ministers, of the skin on the person's fingers.

(1C) Fingerprints or a record provided by a person under a requirement under subsection (1B) above may be used only for the following purposes—

- (a) verifying the name and address given by the person;
- (b) establishing whether the person may be a person who is suspected of having committed any other offence,

and all record of such fingerprints or record shall be destroyed as soon as possible after they have fulfilled those purposes.”

(3) In subsection (2)—

- (a) for “(either or both)” there is substituted “(any or all)”; and
- (b) after paragraph (a) there is inserted—

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“(aa) subject to subsection (3A) below, establishes whether the person may be a person who is suspected of having committed any other offence;”.

(4) After subsection (3), there is inserted—

“(3A) The constable shall exercise the power under paragraph (aa) of subsection (2) above only where—

- (a) the person mentioned in paragraph (a) of subsection (1) above has given a name and address; and
- (b) it appears to the constable that establishing the matter mentioned in paragraph (aa) of subsection (2) can be achieved quickly.”.

(5) In subsection (5)—

(a) after paragraph (b) there is inserted—

“(ba) subsection (1B) above, of the existence of the power to make the requirement and why he proposes to exercise it in the person's case;”; and

(b) in paragraph (d), for “either” there is substituted “ any ”.

(6) In subsection (6)—

(a) the word “or” immediately after paragraph (a)(i) is repealed;

(b) after paragraph (a)(ii) there is inserted “; or

(iii) under subsection (1B) above to provide the person's fingerprints or a record such as is mentioned in that subsection,”.

(7) After subsection (7) there is inserted—

“(8) The Scottish Ministers by order made by statutory instrument may approve a device for the purpose of creating records of the sort mentioned in subsection (1B)(b) above.”.

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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. 47A inserted by [2023 c. 41 s. 45\(3\)](#)