Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 4

TAKING OF PRINTS AND SAMPLES FROM CERTAIN CHILDREN

Order authorising taking of prints and samples

68 Treatment of prints and samples where appeal taken against making of order under section 63

(1) This section applies where—

(a) an appeal is taken against a decision of the sheriff to make an order under section 63,

(b) before the constable who applied for the order was notified of the appeal, relevant physical data or a relevant sample was taken from the child by virtue of the order.

(2) No steps or, as the case may be, no further steps may be taken in relation to the relevant physical data or relevant sample (other than holding or preserving the data or sample) before the conclusion of the appeal.

(3) Where the decision of the sheriff is recalled and the order quashed, the constable who applied for the order must ensure that all record of any data taken, all samples taken, and all information derived from any samples taken are destroyed as soon as possible.

(4) Where—

(a) the decision of the sheriff is varied so that the order authorises the taking of different relevant physical data or relevant samples to those originally specified in the order by virtue of section 63(4)(a), and

Changes to legislation: *Age of Criminal Responsibility (Scotland) Act 2019, Section 68 is up to date with all changes known to be in force on or before 03 October 2024. 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*

(b) as a result the taking of some or all of the data or samples mentioned in subsection (1)(b) would no longer be authorised by the order,

the constable who applied for the order must ensure that all record of any such data taken, all such samples taken, and all information derived from any such samples taken are destroyed as soon as possible.

Modifications etc. (not altering text)

C1 Pt. 4 applied (with modifications) (17.12.2021) by 2004 c. 20, s. 56B (as inserted by The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021 (S.I. 2021/1458), arts. 1(1), **19**)

C2 Pt. 4 applied (with modifications) (17.12.2021) by 1987 c. 4, s. 2E (as inserted by The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021 (S.I. 2021/1458), arts. 1(1), **17**)

C3 Pt. 4 applied (with modifications) (17.12.2021) by 2003 c. 20, s. 31B (as inserted by The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021 (S.I. 2021/1458), arts. 1(1), **18**)

Commencement Information

I1 S. 68 in force at 17.12.2021 by S.S.I. 2021/449, **reg. 2**

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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. 18(1A) inserted by 2020 asp 13 sch. 5 para. 7(8)(b)
- s. 20A inserted by 2020 asp 13 sch. 5 para. 7(9)