



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

Taking of prints and samples in urgent cases

70 Procedure following taking of prints and samples under section 69

- (1) This section applies where any relevant physical data or relevant sample has been taken from a child by virtue of section 69.
- (2) No steps may be taken in relation to the relevant physical data or relevant sample (other than holding and preserving the data or sample) unless and until an order under section 63 authorising the taking of the data or sample is obtained.
- (3) An application for an order under section 63 authorising the taking of the relevant physical data or relevant sample must be made before the end of the period of 7 days beginning with the day on which the data or sample was taken.
- (4) Such an application must, in addition to the matters mentioned in section 61(2), specify the data or sample taken by virtue of section 69.
- (5) The relevant senior officer who authorised the taking of the relevant physical data or relevant samples under section 69(2) must ensure that all record of any data taken and all samples taken are destroyed as soon as reasonably practicable after the earliest of the following events—
 - (a) a decision by the constable who took the data or sample not to apply for an order under section 63,

Status: This is the original version (as it was originally enacted).

- (b) the end of the period mentioned in subsection (3), no application having been made,
- (c) where such an application is made but the sheriff refuses the application—
 - (i) the end of the period for an appeal against the sheriff’s decision, no appeal having been taken, or
 - (ii) if an appeal is taken and the sheriff’s decision is upheld, the conclusion of the appeal.