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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 178**

**The Criminal Justice and Licensing (Scotland)  
Act 2010 (Commencement No. 8, Transitional  
and Savings Provisions) Order 2011**

**Section 77 (retention of samples etc.)**

4.—(1) The amendments made to section 18A of the 1995 Act by—

- (a) sub-sections (1), (3)(a) to (c), (e), (f)(i) and (g) of section 77 of the Act, insofar as they relate to relevant physical data, only have effect in relation to such relevant physical data taken from or provided by a person under section 18(2) of the 1995 Act in connection with an offence committed on or after 28th March 2011; and
- (b) sub-sections (1), (3)(f)(ii) and (g) of section 77 of the Act, insofar as they relate to any sample or information deriving from a sample taken from a person under section 18(6) or (6A) of the 1995 Act, only have effect where—
  - (i) that sample or information deriving from that sample was taken in connection with an offence committed on or after 28th March 2011; and
  - (ii) criminal proceedings are instituted against that person for a relevant sexual offence in section 19A(6)(g) of the 1995 Act, as modified by section 18A(12) of the 1995 Act, on or after 28th March 2011.

(2) Notwithstanding the amendment made to section 18A(1) of the 1995 Act by section 77(3)(a) of the Act, section 18A continues to apply to any sample or information derived from a sample taken from a person under section 18(6) or (6A) of the 1995 Act in connection with an offence committed before 28th March 2011.