

## SCHEDULES

### SCHEDULE 8

#### DETENTION

##### PART I

###### TREATMENT OF PERSONS DETAINED UNDER SECTION 41 OR SCHEDULE 7

###### *Rights: Scotland*

- 20 (1) Subject to the modifications specified in sub-paragraphs (2) and (3), section 18 of the Criminal Procedure (Scotland) Act 1995 (procedure for taking certain prints and samples) shall apply to a person detained under Schedule 7 or section 41 at a police station in Scotland as it applies to a person arrested or a person detained under section 14 of that Act.
- (2) For subsection (2) of section 18 there shall be substituted—
- “(2) A constable may take from a detained person or require a detained person to provide relevant physical data only if—
- (a) in the case of a person detained under section 41 of the Terrorism Act 2000, he reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in section 40(1)(a) of that Act and he reasonably believes that the relevant physical data will tend to confirm or disprove his involvement, or
- (b) in any case, he is satisfied that it is necessary in order to assist in determining whether the person falls within section 40(1)(b) of that Act.”
- (3) Subsections (3) to (5) shall not apply, but any relevant physical data or sample taken in pursuance of section 18 as applied by this paragraph shall be retained only for the purposes of terrorist investigations.