

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 2

DETENTION

Fingerprints and samples: Scotland

- 42 (1) Subject to the following modification, section 18 of the Criminal Procedure (Scotland) Act 1995 (procedure for taking certain prints and samples) applies to a detainee detained at a police station in Scotland under Part 1 of this Schedule as it applies to a person arrested.
- (2) The modification is that section 18 applies as if—
- (a) for subsection (2) of that section the following were substituted—

“(2) Subject to subsection (2A), a constable may take from a detained person or require a detained person to provide relevant physical data only if the officer is satisfied that it is necessary to do so in order to assist in determining whether that person is or has been engaged in hostile activity.
 - (2A) A constable may also take fingerprints from a detained person or require the person to provide them if—
 - (a) the constable is satisfied that the fingerprints will facilitate the ascertainment of the person’s identity; and
 - (b) the person has refused to identify himself or herself or the constable has reasonable grounds for suspecting that the person is not who the person claims to be.”;
 - (b) subsections (3) to (5) were omitted;
 - (c) after subsection (8) there were inserted—

“(9) In this section—

 - (a) references to a “detained person” are references to a person detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;
 - (b) the reference to engagement in hostile activity is to be read in accordance with paragraph 1 of that Schedule.”