

*Status: Point in time view as at 12/02/2019.*

**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Cross Heading: Fingerprints and samples: Scotland. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3

#### BORDER SECURITY

##### Modifications etc. (not altering text)

- C1** Sch. 3 modified by [Channel Tunnel \(International Arrangements\) Order 1993 \(S.I. 1993/1813\)](#), [Sch. 4 para. 7](#) (as inserted (12.2.2019 for specified purposes) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(1)(g)(2)(c), [Sch. 3 para. 63\(1\)](#) (with s. 25(9), [Sch. 3 para. 63\(2\)](#)))

### 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;

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- (b) the reference to engagement in hostile activity is to be read in accordance with paragraph 1 of that Schedule.”

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**Commencement Information**

**II** Sch. 3 para. 42 in force at Royal Assent for specified purposes, see. s. 27(1)(g)(2)(c)

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