
Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 12

FINGERPRINTS AND SAMPLES

Taking of relevant physical data and samples: Scotland

- 4 (1) [This paragraph](#) applies at any time when a [Part 2](#) notice is in force in respect of an individual in Scotland.
- (2) A constable may—
- (a) take from the individual, or require the individual to provide, any relevant physical data;
 - (b) with the authority of an officer of a rank no lower than inspector, take from the individual any sample mentioned in paragraph (a), (b) or (c) of subsection (6) of section 18 of the Criminal Procedure (Scotland) Act 1995 (prints, samples etc in criminal investigations) by the means specified in that paragraph in relation to the sample;
 - (c) take, or direct a police custody and security officer to take, from the individual a sample mentioned in subsection (6A) of that section by the means specified in that subsection.
- (3) A constable may—
- (a) require the individual to attend a police station for the purposes mentioned in [sub-paragraph \(2\)](#), and
 - (b) arrest without warrant an individual who fails to comply with such a requirement.
- (4) A requirement under [sub-paragraph \(3\)\(a\)](#)—
- (a) must give the individual at least 7 days' notice of the date on which the individual is required to attend the police station, and
 - (b) may direct the individual to attend at a specified time of day or between specified times of day.
- (5) In specifying a date or time or times of day for the purposes of [sub-paragraph \(4\)](#), the constable must consider whether the relevant physical data or sample could reasonably be taken at a time when the individual is for any other reason required to attend the police station (including, in particular, under measures imposed on the individual by virtue of [paragraph 11](#) of [Schedule 7](#)).
- (6) A constable may use reasonable force, if necessary, in—
- (a) taking any relevant physical data under [sub-paragraph \(2\)\(a\)](#),
 - (b) securing compliance with a requirement imposed by the constable under that sub-paragraph, or
 - (c) taking any sample under [sub-paragraph \(2\)\(b\)](#).

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- (7) A constable may, with the authority of an officer of a rank no lower than inspector, use reasonable force, if necessary, in taking any sample under [sub-paragraph \(2\)\(c\)](#).
- (8) In [this paragraph](#) “police custody and security officer” has the same meaning as in Part 1 of the [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) (see section 99 of that Act).

Commencement Information

- I1** Sch. 12 para. 4 not in force at Royal Assent, see 100(1)
- I2** [Sch. 12 para. 4](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

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