
Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 18. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DETENTION UNDER SECTION 27

PART 3

RIGHTS OF PERSONS DETAINED UNDER SECTION 27: SCOTLAND

- 18 (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) applies to a person detained under [section 27](#) at a police station in Scotland as it applies to a person arrested.
- (2) For subsection (2) of section 18 substitute—
- “(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—
- (a) the constable reasonably suspects that the person has been involved in foreign power threat activity, and
 - (b) the constable reasonably believes that the relevant physical data will tend to confirm or disprove the person’s involvement.
- (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 person’s fingerprints will help determine their identity, and
 - (b) the person has refused to identify themselves or the constable has reasonable grounds for suspecting that the person is not who they claim to be.
- (2B) In this section references to determining a person’s identity include references to showing that a detained person is not a particular person.”
- (3) Subsections (3) to (5) of section 18 do not apply.

Commencement Information

- I1** Sch. 6 para. 18 not in force at Royal Assent, see 100(1)
- I2** Sch. 6 para. 18 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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