

AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019

EXPLANATORY NOTES

PART 4: POLICE INVESTIGATORY AND OTHER POWERS

Chapter 4: Taking of prints and samples from certain children

Changes made by the Act: what this Chapter of the Act does

Effect of provisions of general application on this Chapter

225. In addition to the particular provisions of Chapter 4 of Part 4 of the Act, sections 72 to 75 in Chapter 5 are also relevant to taking of prints and samples from children.
226. [Section 72](#) means that a constable applying for an order under section 63, taking prints and samples under the order, and taking prints and samples under the authority of section 69, must treat the need to safeguard and promote the child's wellbeing as a primary consideration. The same duty applies to a relevant senior officer considering whether to authorise the taking of prints and samples under section 69 and to the sheriff taking a decision on whether to make an order under section 63.
227. [Section 74](#) authorises a constable taking prints and samples under the Act to use reasonable force. But, in doing so where a child under 12 is involved, the constable must first seek the child's cooperation and may only use reasonable force as a last resort and must use as little force, and for as little time, as possible.
228. If someone intentionally obstructs a constable who is taking prints and samples, section 75 provides that the person has committed an offence and may, on conviction, be fined. This doesn't apply to a child under 12, whether the child from whom prints and samples are being taken or not. It would, however, apply to an older child, including one from whom prints and samples are being taken.