

*Draft Regulations laid before the Scottish Parliament under section 37(2) of the Scottish Biometrics Commissioner Act 2020, for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

**PUBLIC BODIES  
POLICE  
CRIMINAL PROCEDURE**

**The Scottish Biometrics Commissioner Act 2020 (Code  
of Practice) (Appointed Day) (Scotland) Regulations 2022**

*Made* - - - - 2022

*Coming into force* - - 16th November 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 13(1) of the Scottish Biometrics Commissioner Act 2020<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 13(2) of that Act, a copy of the code of practice referred to in that subsection has been laid before the Scottish Parliament together with a draft of this instrument.

In accordance with section 37(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

**1.** These Regulations may be cited as the Scottish Biometrics Commissioner Act 2020 (Code of Practice) (Appointed Day) (Scotland) Regulations 2022 and come into force on 16 November 2022.

**Appointed Day**

**2.** 16 November 2022 is the day appointed for the coming into effect of the code of practice prepared by the Scottish Biometrics Commissioner under section 7 of the Scottish Biometrics Commissioner Act 2020, and approved by the Scottish Ministers under section 12(2) of the Scottish Biometrics Commissioner Act 2020.

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(1) 2020 asp 8.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:  
The Scottish Biometrics Commissioner Act 2020 (Code of Practice) (Appointed Day) (Scotland) Regulations 2022 No. 327

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St Andrew's House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations give effect to the code of practice produced by the Scottish Biometrics Commissioner. This code of practice, about the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes in Scotland, is required to be brought into effect by regulations made by the Scottish Ministers under section 13(1) of the Scottish Biometrics Commissioner Act 2020 (“the Act”). The code of practice was produced by the Scottish Biometrics Commissioner following consultation under section 10(1) of the Act. The code of practice was laid in draft before the Scottish Parliament for 60 days under section 11 of the Act and has been approved by the Scottish Ministers under section 12(2) of the Act. The code of practice was laid in draft in the Scottish Parliament at the same time as these Regulations, in accordance with section 13(2) of the Act. The code of practice will come into effect on the 16th November 2022.

Under section 9 of the Act, breach of the code gives rise to no legal claim, but a court or tribunal determining any question to which the code is relevant in the context of civil or criminal proceedings must take the code into account.

Copies of the code of practice are being distributed to relevant interests, and will also be available for inspection at the website of the Scottish Biometrics Commissioner, <http://www.biometricscommissioner.scot>.