
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 168

**The Police Act 1997 (Criminal
Records) (Scotland) Regulations 2010**

Evidence of identity: fingerprinting

14.—(1) All police stations in the United Kingdom are prescribed as places at which fingerprints may be taken for the purposes of section 118(2)(a).

(2) Where the Scottish Ministers under section 118(2B)(1) require an application under Part 5 to be supported by evidence of identity in the form of fingerprints, they must notify the applicant of this requirement and of the procedures set out in paragraphs (3) to (7) which are prescribed as the manner in which fingerprints may be taken for the purposes of section 118(2)(a).

(3) An applicant in receipt of notification in accordance with paragraph (2) who wishes to proceed with the application must inform the Scottish Ministers in writing within the period specified in paragraph (4)—

- (a) where the applicant is—
 - (i) aged 16 years or over, that the applicant consents to the taking of their fingerprints; or
 - (ii) under the age of 16 years, that the applicant and the responsible person consents to the taking of the applicant’s fingerprints; and
- (b) of the police station in the United Kingdom (“the nominated police station”) at which the applicant proposes to attend for the purpose of having their fingerprints taken.

(4) Where the information required under paragraph (3) is not received by the Scottish Ministers within the period of 28 days from the date of the notification under paragraph (2), the application will be considered to have been withdrawn.

(5) The Scottish Ministers may, in such circumstances as they consider appropriate, specify another police station (“the specified police station”) in place of the nominated police station.

(6) Any constable of the nominated police station, or of the specified police station, may take the applicant’s fingerprints at the nominated police station, or at the specified police station, on such reasonable date and at such reasonable time notified to the applicant.

(7) In this regulation “responsible person” means—

- (a) a person having, in relation to the applicant, parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995(2)) or parental rights (within the meaning of section 2(4) of that Act);
- (b) in England and Wales the applicant’s parent, guardian or other person having parental responsibility for the applicant within the meaning of section 3 of the Children Act 1989(3); or

(1) Section 118(2B) was inserted into the Act by paragraph 34 of schedule 4 to the 2007 Act.

(2) 1995 c.36.

(3) 1989 c.41.

- (c) in Northern Ireland, a person having, in relation to the applicant, parental responsibilities (within the meaning of article 6 of the Children (Northern Ireland) Order 1995⁽⁴⁾).

⁽⁴⁾ S.I. 1995/755 (N.I. 2)