



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART II

POLICE FUNCTIONS

Prints and samples

18 Prints, samples etc. in criminal investigations

- (1) This section applies where a person has been arrested and is in custody or is detained under section 14(1) of this Act.
- (2) A constable may take from the person fingerprints, palm prints and such other prints and impressions of an external part of the body as the constable may, having regard to the circumstances of the suspected offence in respect of which the person has been arrested or detained, reasonably consider it appropriate to take.
- (3) Subject to subsection (4) below, all record of any prints or impressions taken under subsection (2) above, all samples taken under subsection (6) below and all information derived from such samples shall be destroyed as soon as possible following a decision not to institute criminal proceedings against the person or on the conclusion of such proceedings otherwise than with a conviction or an order under section 246(3) of this Act.
- (4) The duty under subsection (3) above to destroy samples taken under subsection (6) below and information derived from such samples shall not apply—
 - (a) where the destruction of the sample or the information could have the effect of destroying any sample, or any information derived therefrom, lawfully held in relation to a person other than the person from whom the sample was taken; or
 - (b) where the record, sample or information in question is of the same kind as a record, a sample or, as the case may be, information lawfully held by or on behalf of any police force in relation to the person.
- (5) No sample, or information derived from a sample, retained by virtue of subsection (4) above shall be used—

Status: This is the original version (as it was originally enacted).

- (a) in evidence against the person from whom the sample was taken; or
 - (b) for the purposes of the investigation of any offence.
- (6) A constable may, with the authority of an officer of a rank no lower than inspector, take from the person—
- (a) from the hair of an external part of the body other than pubic hair, by means of cutting, combing or plucking, a sample of hair or other material;
 - (b) from a fingernail or toenail or from under any such nail, a sample of nail or other material;
 - (c) from an external part of the body, by means of swabbing or rubbing, a sample of blood or other body fluid, of body tissue or of other material;
 - (d) from the inside of the mouth, by means of swabbing, a sample of saliva or other material.
- (7) A constable may use reasonable force in exercising any power conferred by subsection (2) or (6) above.
- (8) Nothing in this section shall prejudice—
- (a) any power of search;
 - (b) any power to take possession of evidence where there is imminent danger of its being lost or destroyed; or
 - (c) any power to take prints, impressions or samples under the authority of a warrant.