



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART II

POLICE FUNCTIONS

Prints and samples

VALID FROM 28/03/2011

[^{F1}18C Section 18B: extension of retention period where relevant offer relates to certain sexual or violent offences

- (1) This section applies where the destruction date for relevant physical data, a sample or information derived from a sample falls within section 18B(5)(a) or (b).
- (2) On a summary application made by the relevant chief constable within the period of 3 months before the destruction date, the sheriff may, if satisfied that there are reasonable grounds for doing so, make an order amending, or further amending, the destruction date.
- (3) An application under subsection (2) may be made to any sheriff—
 - (a) in whose sheriffdom the appropriate person resides,
 - (b) in whose sheriffdom that person is believed by the applicant to be, or
 - (c) to whose sheriffdom the person is believed by the applicant to be intending to come.
- (4) An order under subsection (2) must not specify a destruction date more than 2 years later than the previous destruction date.
- (5) The decision of the sheriff on an application under subsection (2) may be appealed to the sheriff principal within 21 days of the decision.

Status: Point in time view as at 10/03/2008. This version of this provision is not valid for this point in time.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 18C is up to date with all changes known to be in force on or before 09 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) If the sheriff principal allows an appeal against the refusal of an application under subsection (2), the sheriff principal may make an order amending, or further amending, the destruction date.
- (7) An order under subsection (6) must not specify a destruction date more than 2 years later than the previous destruction date.
- (8) The sheriff principal's decision on an appeal under subsection (5) is final.
- (9) Section 18B(4) does not apply where—
- (a) an application under subsection (2) has been made but has not been determined,
 - (b) the period within which an appeal may be brought under subsection (5) against a decision to refuse an application has not elapsed, or
 - (c) such an appeal has been brought but has not been withdrawn or finally determined.
- (10) Where—
- (a) the period within which an appeal referred to in subsection (9)(b) may be brought has elapsed without such an appeal being brought,
 - (b) such an appeal is brought and is withdrawn or finally determined against the appellant, or
 - (c) an appeal brought under subsection (5) against a decision to grant an application is determined in favour of the appellant,
- the relevant physical data, sample or information derived from a sample must be destroyed as soon as possible after the period has elapsed, or, as the case may be, the appeal is withdrawn or determined.
- (11) In this section—
- “appropriate person” means the person from whom the relevant physical data was taken or by whom it was provided or from whom the sample was taken,
- “destruction date” has the meaning given by section 18B(5),
- “the relevant chief constable” has the same meaning as in subsection (11) of section 18A, with the modification that references to the person referred to in subsection (2) of that section are references to the appropriate person.]

Textual Amendments

- F1** Ss. 18B, 18C inserted (prosp.) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 78, 206(1)

Status:

Point in time view as at 10/03/2008. This version of this provision is not valid for this point in time.

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