



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 1

POWERS TO GATHER AND SHARE INFORMATION

Power to take fingerprints and samples from person subject to control order

11 Power to take fingerprints and samples: Scotland

- (1) This section applies in relation to a person who is subject to a control order in Scotland.
- (2) A constable may—
 - (a) take from the person, or require the person to provide, any relevant physical data,
 - (b) with the authority of an officer of a rank no lower than inspector, take from the person any sample mentioned in paragraph (a), (b) or (c) of subsection (6) of section 18 (prints, samples etc. in criminal investigations) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (“the 1995 Act”) by the means specified in that paragraph in relation to the sample,
 - (c) take, or direct a police custody and security officer to take, from the person a sample mentioned in subsection (6A) of that section by the means specified in that subsection.
- (3) A constable may—
 - (a) require the person to attend a police station for the purposes of subsection (2), and
 - (b) arrest without warrant a person who fails to comply with such a requirement.
- (4) A constable may use reasonable force in—
 - (a) taking any relevant physical data under subsection (2)(a),
 - (b) securing compliance with a requirement imposed by the constable under that subsection, or
 - (c) taking any sample under subsection (2)(b).

Status: This is the original version (as it was originally enacted).

- (5) A constable may, with the authority of an officer of a rank no lower than inspector, use reasonable force in taking any sample under subsection (2)(c).
- (6) Any relevant physical data or sample obtained under this section, and information derived from it, may be retained but may not be used by any person except—
- (a) for the purposes of a terrorist investigation, or
 - (b) in the interests of national security.
- (7) Subject to subsection (6), any data or sample obtained under this section, or information derived from it, may, in particular, be checked against—
- (a) other such data, samples or information,
 - (b) any of the relevant physical data, samples and information to which section 20 of the 1995 Act applies,
 - (c) any of the fingerprints, samples and information mentioned in section 63A(1) (a) and (b) of the Police and Criminal Evidence Act 1984 (c. 60) (checking of fingerprints and samples), and
 - (d) material to which section 18 of this Act applies (material not subject to existing statutory restrictions).
- (8) In this section—
- “control order” has the same meaning as in the Prevention of Terrorism Act 2005 (c. 2);
 - “person subject to a control order” means a person who has become bound by a control order (see section 7(8) of the Prevention of Terrorism Act 2005) that remains in force;
 - “relevant physical data” has the same meaning as it has for the purposes of section 18 of the 1995 Act (see subsections (7A) and (7B) of that section);
 - “terrorist investigation” has the meaning given in section 32 of the Terrorism Act 2000 (c. 11).