
STATUTORY INSTRUMENTS

2021 No. 1458

**The Age of Criminal Responsibility (Scotland) Act 2019
(Consequential Provisions and Modifications) Order 2021**

PART 3

Police powers etc.

Cross-border enforcement by constables of territorial police forces

Taking of prints and samples from child

12.—(1) Paragraph (2) applies where a child in respect of whom an application for an order under section 63 of the 2019 Act is being made is in England, Wales or Northern Ireland.

(2) Any order under that section made as a result of that application may, in addition to doing anything permitted to be done in the order by virtue of that section, require any person in England, Wales or Northern Ireland in a position to do so to produce the child to a constable.

(3) Paragraphs (4) and (5) apply where—

- (a) an order under section 63 of the 2019 Act has been made in respect of a child, and
- (b) the child is in England, Wales or Northern Ireland.

(4) A constable may, for the purposes of the order and subject to paragraph (7), take any action which a Scottish constable would be entitled to take for those purposes if the child was in Scotland.

(5) Where the order authorises the taking of an intimate sample from the child, the sample may be taken from the child—

- (a) where the sample is a dental impression, only by a registered dentist,
- (b) in any other case, only by—
 - (i) a registered medical practitioner, or
 - (ii) a registered nurse.

(6) Paragraph (7) applies where—

- (a) relevant physical data or a relevant sample is taken from a child under paragraph (4) by a constable other than a Scottish constable,
- (b) an intimate sample is taken from a child under paragraph (5).

(7) The data or, as the case may be, sample must be transferred, as soon as possible after the data or sample is taken, to—

- (a) a Scottish constable, or
- (b) a person specified by a Scottish constable.

(8) Except where section 64 of the 2019 Act has already been complied with, a constable who intends to carry out an action of the type mentioned in paragraph (4) in England, Wales or Northern Ireland must, before doing so—

- (a) provide a copy of the order to—
 - (i) the child, and
 - (ii) in so far as practicable, a parent of the child, and
- (b) at the same time, explain the order to the child in a way that is appropriate to the child's age and maturity.