

## SCHEDULE 4 TAKING OF FINGERPRINTS ETC.

### *Nomination of court to supervise taking of evidence*

- 1 (1) Where the Scottish Ministers receive a request from the ICC for assistance in obtaining evidence as to the identity of a person, they may nominate a court in Scotland to supervise the taking from the person of relevant physical data or a sample (or both).
- (2) They shall not do so unless—
- (a) they are satisfied that other means of identification have been tried and have proved inconclusive; and
  - (b) they have notified the ICC of that fact and the ICC has signified that it wishes to proceed with the request.
- (3) In this schedule—
- “relevant physical data” has the meaning given by section 18(7A) of the Criminal Procedure (Scotland) Act 1995 (c. 46); and
- “sample” means—
- (a) a sample of hair or other material taken, by means of cutting, combing or plucking, from the hair of an external part of the body other than pubic hair;
  - (b) a sample of nail or other material from a fingernail or toenail or from under any such nail;
  - (c) a sample of blood or other body fluid, of body tissue or of other material taken, by means of swabbing or rubbing, from an external part of the body; or
  - (d) a sample of saliva or other material taken, by means of swabbing, from the inside of the mouth.