



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1 **S**

ARREST AND CUSTODY

CHAPTER 6 **S**

POLICE POWERS AND DUTIES

Powers of police

49 Taking drunk persons to designated place **S**

- (1) Where—
- (a) a person is liable to be arrested in respect of an offence by a constable without a warrant, and
 - (b) the constable is of the opinion that the person is drunk,
- the constable may take the person to a designated place (and do so instead of arresting the person).
- (2) Nothing done under subsection (1)—
- (a) makes a person liable to be held unwillingly at a designated place, or
 - (b) prevents a constable from arresting the person in respect of the offence referred to in that subsection.
- (3) In this section, “designated place” is any place designated by the Scottish Ministers for the purpose of this section as a place suitable for the care of drunken persons.

Commencement Information

II S. 49 in force at 25.1.2018 by [S.S.I. 2017/345](#), art. 3, [sch.](#)

Changes to legislation:

Criminal Justice (Scotland) Act 2016, Section 49 is up to date with all changes known to be in force on or before 10 July 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38(7)(a) words renumbered as s. 38(7)(a) by [2024 asp 5 s. 15\(6\)\(a\)](#)
- s. 38(7)(b) and word inserted by [2024 asp 5 s. 15\(6\)\(b\)](#)
- s. 41(1A) inserted by [2024 asp 5 s. 15\(7\)\(b\)](#)