



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 2

#### SEARCH BY POLICE

#### CHAPTER 2

#### CODE OF PRACTICE

##### *Making and status of code*

### 73 Contents of code of practice

- (1) The Scottish Ministers must make a code of practice about the carrying out of a search of a person who is not in police custody.
- (2) A code of practice must set out (in particular)—
  - (a) the circumstances in which a search of such a person may be carried out,
  - (b) the procedure to be followed in carrying out such a search,
  - (c) in relation to such a search—
    - (i) the record to be kept,
    - (ii) the right of someone to receive a copy of the record.
- (3) A code of practice is to apply to the functions exercisable by a constable.
- (4) In this section—

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012,

“police custody” has the same meaning as given for the purposes of Part 1 (see section 64).
- (5) In this Chapter, a reference to a code of practice means one required by subsection (1) (but see also section 74(5)).

**Status:**

Point in time view as at 31/07/2017.

**Changes to legislation:**

Criminal Justice (Scotland) Act 2016, Section 73 is up to date with all changes known to be in force on or before 18 June 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.