



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 2

#### SEARCH BY POLICE

### CHAPTER 2

#### CODE OF PRACTICE

#### *Procedure applying to code*

#### **76 Consultation on code of practice**

- (1) Prior to making a code of practice, the Scottish Ministers must consult publicly on a draft of the code.
- (2) When preparing a draft of a code of practice for public consultation, the Scottish Ministers must consult—
  - (a) the Lord Justice General,
  - (b) the Faculty of Advocates,
  - (c) the Law Society of Scotland,
  - (d) the Scottish Police Authority,
  - (e) the chief constable of the Police Service of Scotland,
  - (f) the Police Investigations and Review Commissioner,
  - (g) the Scottish Human Rights Commission,
  - (h) the Commissioner for Children and Young People in Scotland, and
  - (i) such other persons as the Scottish Ministers consider appropriate.
- (3) Subsection (1) or (2) is complied with in relation to a code of practice having (or to have) effect for the first time even if the consultation has been initiated before the day on which this section comes into force.

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*Status: This is the original version (as it was originally enacted).*

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**77 Bringing code of practice into effect**

- (1) A code of practice has no effect until the day appointed for the code by regulations made by the Scottish Ministers.
- (2) When laying before the Scottish Parliament a draft of an instrument containing regulations bringing a code of practice into effect, the Scottish Ministers must also so lay a copy of the code.
- (3) No later than at the end of the 12 months beginning with the day on which this section comes into force, there must be so laid a draft of an instrument containing regulations bringing a code of practice into effect.
- (4) Regulations under this section are subject to the affirmative procedure.