



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 6

POLICE POWERS AND DUTIES

Powers of police

47 Common law power of search etc.

- (1) Nothing in this Part affects any rule of law by virtue of which a constable may exercise a power of the type described in subsection (2).
- (2) The type of power is a power that a constable may exercise in relation to a person by reason of the person's having been arrested and charged with an offence by a constable.
- (3) Powers of the type described in subsection (2) include the power to—
 - (a) search the person,
 - (b) seize any item in the person's possession,
 - (c) cause the person to participate in an identification procedure.

Commencement Information

II S. 47 in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#)

Changes to legislation:

Criminal Justice (Scotland) Act 2016, Section 47 is up to date with all changes known to be in force on or before 20 May 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\(a\)](#)