



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 2

SEARCH BY POLICE

CHAPTER 1

SEARCH OF PERSON NOT IN POLICE CUSTODY

Miscellaneous and definitions

70 Provisions about possession of alcohol

- (1) The Scottish Ministers may by regulations amend section 61 (confiscation of alcohol from persons under 18) of the Crime and Punishment (Scotland) Act 1997 so as to confer on a constable a power, exercisable in addition to the power in subsection (1) or (2) of that section—
 - (a) to search a person for alcoholic liquor,
 - (b) to dispose of anything found in the person's possession that the constable believes to be such liquor.
- (2) Prior to laying before the Scottish Parliament a draft of an instrument containing regulations under this section, the Scottish Ministers must—
 - (a) consult publicly on the regulations that they are proposing to make,
 - (b) send a copy of the proposed regulations to—
 - (i) the chief constable of the Police Service of Scotland,
 - (ii) the Scottish Human Rights Commission,
 - (iii) the Commissioner for Children and Young People in Scotland, and
 - (iv) such other persons as the Scottish Ministers consider appropriate.
- (3) When laying before the Scottish Parliament a draft of an instrument containing regulations under this section, the Scottish Ministers must also so lay a statement—

Status: This is the original version (as it was originally enacted).

- (a) giving reasons for wishing to make the regulations as currently framed (and confirming whether the regulations will amend the relevant enactment in the same way as shown in the proposed regulations),
 - (b) summarising—
 - (i) the responses received by them to the public consultation on the proposed regulations,
 - (ii) the representations made to them by the persons to whom a copy of the proposed regulations was sent.
- (4) Regulations under this section are subject to the affirmative procedure.