



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART I

SEXUAL OFFENCES

Miscellaneous

14 Power, on indictment for rape, etc., to convict of other offences.

F1

Textual Amendments

F1 S. 14 repealed (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(2), 62(2), [sch. 6](#); S.S.I. 2010/357, [art. 2\(a\)](#)

15 Defence to charge of indecent assault.

F2

Textual Amendments

F2 S. 15 repealed (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 19(2)(b), 89; S.S.I. 2003/288, [art. 2](#), [Sch.](#)

16 Power of search.

(1) If it appears to a justice on information on oath by any parent, relative or guardian of any woman or girl, or any other person who, in the opinion of the justice, is *bona fide*

Status: Point in time view as at 13/12/2010.

Changes to legislation: Criminal Law (Consolidation) (Scotland) Act 1995, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 14 April 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. (See end of Document for details)

acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of the justice, he may issue a warrant authorising any person named therein to search for, and, when found, to take to and detain in a place of safety, such woman or girl until she can be brought before a justice, and the justice before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

- (2) The justice issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.
- (3) A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of having unlawful sexual intercourse with men or with a particular man, and she—
 - (a) is under the age of 16 years; or
 - (b) if of or over the age of 16 years and under the age of 18 years, is so detained against her will, or against the will of her father or mother or of any other person having the lawful care or charge of her; or
 - (c) if of or over the age of 18 years, is so detained against her will.
- (4) Any person authorised by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the woman or girl therefrom.
- (5) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the parent, relative, or guardian or other person giving the information, if that person so desires, unless the justice directs otherwise.
- (6) In this section, “justice” has the same meaning as in section 307 of the ^{M1}Criminal Procedure (Scotland) Act 1995.

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Marginal Citations

M1 [1995 c.46.](#)

16A Conspiracy or incitement to commit certain sexual acts outside the United Kingdom.

F3

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Textual Amendments

F3 [S. 16A](#) repealed (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(2), 62(2), [sch. 6](#); [S.S.I. 2010/357](#), [art. 2\(a\)](#)

16B Commission of certain sexual acts outside the United Kingdom.

F4

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Textual Amendments

- F4** S. 16B repealed (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(2), 62(2), [sch. 6](#); [S.S.I. 2010/357](#), [art. 2\(a\)](#)

17 Liability to other criminal proceedings.

This Part of this Act shall not exempt any person from any proceedings for an offence which is punishable at common law, or under any enactment other than this Part, but nothing in this Part of this Act shall enable a person to be punished twice for the same offence.

Status:

Point in time view as at 13/12/2010.

Changes to legislation:

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