



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 6

#### NON-CUSTODIAL PUNISHMENTS

#### **49 Power of arrest where breach of non-harassment order**

(1) In section 234A (non-harassment orders) of the 1995 Act—

- (a) in subsection (4), the words “found to be” are repealed;
- (b) after that subsection there is inserted—

“(4A) A constable may arrest without warrant any person he reasonably believes is committing or has committed an offence under subsection (4) above.

(4B) Subsection (4A) above is without prejudice to any power of arrest conferred by law apart from that subsection.”.

(2) In section 9 (breach of non-harassment order) of the Protection from Harassment Act 1997 (c. 40)—

- (a) in subsection (1), the words “found to be” are repealed;
- (b) after subsection (2) there is inserted—

“(3) A constable may arrest without warrant any person he reasonably believes is committing or has committed an offence under subsection (1).

(4) Subsection (3) is without prejudice to any power of arrest conferred by law apart from that subsection.”.