

CRIMINAL JUSTICE (SCOTLAND) ACT 2016

EXPLANATORY NOTES

OVERVIEW OF THE ACT

Part 2 – Search by Police

Chapter 1 – Search of person not in police custody

Miscellaneous and definitions

Section 69 – Publication of information by police

175. **Section 69** imposes an obligation on Police Scotland to publish certain information on stop and search annually.

Section 70 – Provisions about possession of alcohol

176. **Section 70** allows regulations to be laid that would provide a power for the police to search children under 18 for alcohol and to search a person who is 18 or over where that person is suspected of possessing alcohol which they have supplied or intend to supply to a child. Before laying regulations, the Scottish Ministers must carry out a public consultation and send a copy of the proposed regulations to certain people. If Ministers decide to make regulations they will be subject to affirmative procedure, together with an obligation on Ministers to give reasons for making the regulations and present a summary of the consultation responses received. This section is subject to a “sunset clause” in section 71.

Section 71 – Matters as to effect of sections 65, 66 and 70

177. **Section 71** provides further detail about the commencement of certain provisions. The provisions in section 65 and 66 are required to commence on the same date that the code of practice required by section 73 first comes into effect. In addition, if no regulations are laid under the provisions in section 70 within two years of the date that the code of practice first comes into effect, the power to make regulations in section 70 will lapse, this is known as a sunset clause.