



# 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.