



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 6

POLICE POWERS AND DUTIES

Powers of police

48 Power of search etc. on arrest

- (1) A constable may exercise in relation to a person to whom subsection (2) applies any power of the type described in section 47(2) which the constable would be able to exercise by virtue of a rule of law if the person had been charged with the relevant offence by a constable.
- (2) This subsection applies to a person who—
 - (a) is in police custody having been arrested without a warrant, and
 - (b) has not, since being arrested, been charged with an offence by a constable.
- (3) In subsection (1), “the relevant offence” means the offence in connection with which the person is in police custody.

Commencement Information

II S. 48 in force at 25.1.2018 by [S.S.I. 2017/345](#), art. 3, [sch.](#)

Status:

Point in time view as at 25/01/2018.

Changes to legislation:

Criminal Justice (Scotland) Act 2016, Section 48 is up to date with all changes known to be in force on or before 09 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.