



Criminal Justice (Scotland) Act 2016

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PART 2

SEARCH BY POLICE

CHAPTER 1

SEARCH OF PERSON NOT IN POLICE CUSTODY

Lawfulness of search by constable

66 Cases involving removal of person

- (1) A person who is not in police custody may be searched by a constable while the person is to be, or is being, taken to or from any place—
 - (a) by virtue of any enactment, warrant or court order requiring or permitting the constable to do so, or
 - (b) in circumstances in which the constable believes that it is necessary to do so with respect to the care or protection of the person.
- (2) A search under this section is to be carried out for the purpose of ensuring that the person is not in, or does not remain in, possession of any item or substance that could cause harm to the person or someone else.
- (3) Anything seized by a constable in the course of a search carried out under this section may be retained by the constable.