



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 2

#### SEARCH BY POLICE

#### CHAPTER 1

#### SEARCH OF PERSON NOT IN POLICE CUSTODY

##### *Lawfulness of search by constable*

#### **67 Public safety at premises or events**

- (1) A person who is not in police custody may be searched by a constable if—
  - (a) the person—
    - (i) is seeking to enter, or has entered, relevant premises, or
    - (ii) is seeking to attend, or is attending, a relevant event, and
  - (b) the further criteria are met.
- (2) Premises are or an event is relevant if—
  - (a) the premises may be entered, or the event may be attended, by members of the public (including where dependent on possession of a ticket or on payment of a charge), and
  - (b) the entry or the attendance is controlled, at the time of the entry or the attendance, by or on behalf of the occupier of the premises or the organiser of the event.
- (3) The further criteria to be met are that—
  - (a) the entry or the attendance is subject to a condition, imposed by the occupier of the premises or the organiser of the event, that the person consents to being searched, and
  - (b) the person informs the constable that the person consents to being searched by the constable.

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**Changes to legislation:** *Criminal Justice (Scotland) Act 2016, Section 67 is up to date with all changes known to be in force on or before 19 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. (See end of Document for details) View outstanding changes*

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- (4) A search under this section is to be carried out for the purpose of ensuring the health, safety or security of people on the premises or at the event.
- (5) Anything seized by a constable in the course of a search carried out under this section may be retained by the constable.

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**Modifications etc. (not altering text)**

- C1** Pt. 2 applied (with modifications) by 2003 c. 20, s. 31A (as inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 2 para. 2** (with art. 6))
- C2** Pt. 2 applied (with modifications) by 2004 c. 20, s. 56A (as inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 2 para. 3** (with art. 6))
- C3** Pt. 2 applied (with modifications) by 1987 c. 4, s. 2D (as inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 2 para. 1** (with art. 6))

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**Commencement Information**

- I1** S. 67 in force at 11.5.2017 by [S.S.I. 2017/99](#), **art. 2(c)** (with art. 6)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)