



Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 2

SEARCH OF CHILDREN UNDER 12

Search under order

36 Order authorising search in relation to child under 12

- (1) This section applies where a constable makes an application under section 34 in respect of a child.
- (2) The sheriff may make an order authorising any of the actions mentioned in subsection (4) if satisfied that there are reasonable grounds to suspect that—
 - (a) the child—
 - (i) by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or
 - (ii) by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person, and
 - (b) evidence relevant to the investigation of that behaviour may be found on the child, on any premises or in any vehicle.
- (3) In considering the matters mentioned in subsection (2), the sheriff must have regard to—
 - (a) the nature and seriousness of the child's behaviour,
 - (b) whether making the order is appropriate given the child's circumstances (including the child's age and any matter related to the child's behaviour).

Status: This is the original version (as it was originally enacted).

- (4) The actions referred to in subsection (2) are—
- (a) the search of the child,
 - (b) the entry to and search of any premises,
 - (c) the entry to and search of any vehicle,
 - (d) the seizure of anything the constable may find on the child or on premises or in the vehicle.
- (5) An order under this section authorises such of the actions mentioned in subsection (4) as are specified in the order for a period of 7 days beginning with the day on which the order is made.
- (6) A constable who enters any unoccupied premises by virtue of this section must leave the premises as effectively secured against unauthorised entry as the constable found them.
- (7) In this section—
- “premises” includes—
 - (a) land,
 - (b) buildings (including a building used as a dwelling),
 - (c) a caravan, houseboat or other moveable structure used as a dwelling,
 - “vehicle” includes a vessel.