



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 without warrant

33 Search of child under 12 without warrant under existing enactment

- (1) This section applies to an enactment under or by virtue of which a constable may, on the ground (however expressed) that the constable reasonably suspects an offence has been, is being or is about to be committed, carry out a search without warrant.
- (2) The enactment applies to a child under 12 years of age as it applies to a person of 12 years or over who has committed, is committing or is about to commit an offence where the child's behaviour is such that, were the child 12 years or over, it would be an offence in relation to which the constable's power of search would be available.
- (3) But subsection (2) does not apply to the enactment to the extent that it provides (or would, by virtue of that subsection, provide) that—
 - (a) the constable may arrest the child,
 - (b) the constable may apply for a warrant,
 - (c) the child commits an offence if the child—
 - (i) obstructs the constable in the exercise of a power conferred under or by virtue of the enactment, or
 - (ii) fails to comply with any requirement made of the child by the constable.
- (4) The Scottish Ministers may by regulations—

Status: *This is the original version (as it was originally enacted).*

- (a) specify enactments to which this section is not to apply,
- (b) modify subsection (3).