

Draft Regulations laid before the Scottish Parliament under section 77(4) of the Criminal Justice (Scotland) Act 2016 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

CRIMINAL LAW

**The Stop and Search Code of Practice
(Appointed Day) (Scotland) Regulations 2017**

Made - - - - 2017
Coming into force - - 11th May 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 77(1) of the Criminal Justice (Scotland) Act 2016⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 77(2) of that Act, a copy of the code of practice referred to in that subsection has been laid before the Scottish Parliament together with a draft of this instrument.

In accordance with section 77(3) of that Act, a draft of this instrument has been laid before the Scottish Parliament within the period of 12 months specified in that subsection.

In accordance with section 77(4) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations 2017 and come into force on 11th May 2017.

Appointed day

2. 11th May 2017 is the day appointed for the coming into effect of the code of practice made by the Scottish Ministers under section 73(1) of the Criminal Justice (Scotland) Act 2016.

(1) 2016 asp 1.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations 2017 No. 72*

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to the code of practice which is required to be made by the Scottish Ministers under section 73(1) of the Criminal Justice (Scotland) Act 2016 (“the Act”) about the carrying out of searches of people who are not in police custody. The code of practice was made by the Scottish Ministers following consultation under section 76 of the Act, and is laid before the Scottish Parliament at the same time as these Regulations in accordance with section 77(2). The code of practice will come into effect on 11th May 2017.

Under section 75 of the Act, breach of the code gives rise to no legal claim, but a court or tribunal determining any question to which the code is relevant (such as admissibility of evidence) in the context of civil or criminal proceedings must take the code into account.

Copies of the code of practice are being distributed to relevant interests, and will also be available for inspection at all police stations which are open to the public. The code is also available at <http://www.gov.scot/Publications>.