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## 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>.