

OFFICIAL

List of Statutory Powers

Source	Types of items	Power
Animals and Game		
Section 11 of the Protection of Badgers Act 1992	Evidence of the commission of offence	Where a constable has reasonable grounds for suspecting that a person is committing, or has committed, an offence under the Act and that evidence of the commission of the offence is to be found on that person or any vehicle or article he may have with him, the constable may, without warrant, stop and search that person and any vehicle or article they may have with them.
Section 101 of the Conservation (Natural Habitats, &c.) Regulations 1994	Evidence of the commission of offence	If a constable suspects with reasonable cause that any person is committing or has committed an offence under Part III of the Regulations (Protection of Species), the constable may without warrant stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person.
Section 4 of the Wild Mammals (Protection) Act 1996	Evidence of the commission of offence	Where a constable has reasonable grounds for suspecting that a person has committed an offence under the provisions of this Act (various harms to wild mammals) and that evidence of the commission of the offence may be found on that person, the constable may without warrant, stop and search that person.
Section 7 of the Protection of Wild Mammals (Scotland) Act 2002	Evidence of the commission of offence	A constable who suspects with reasonable cause that a person has committed or is committing an offence under this Act (hunting a wild mammal with a dog) may, without warrant, stop and search that person if the constable suspects with reasonable cause that evidence in connection with the offence is to be found on that person.
Section 19 of the Wildlife & Countryside Act 1981	Evidence of the commission of offence	If a constable suspects with reasonable cause that any person is committing or has committed an offence under Part 1 of the Act, the constable may without warrant stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person.

OFFICIAL

Section 27 Deer (Scotland) Act 1996	Evidence of the commission of offence	If a constable has reasonable grounds to suspect that evidence of the commission of the relevant offence is to be found in any vehicle; and believe that by reason of urgency or other good cause it is impracticable to apply for a warrant to search such a vehicle. A constable may search the vehicle and any person who is found within or whom there is reasonable grounds to believe to have recently left or to be about to enter the vehicle.
Section 53(1) Salmon & Freshwater Fisheries (Consolidation) (Scotland) Act 2003	Evidence of the commission of the offence	If a constable has reasonable grounds to suspect that an offence against any of the provisions of this act has been committed, and that evidence of the commission of the offence is to be found in any vehicle, but considers that by reason of urgency or other good cause it is impracticable to apply for a warrant to search such a vehicle, may stop and search that vehicle and any person who is found in, or whom there are reasonable grounds to believe to have recently left or to be about to enter the vehicle.
Aviation		
Section 24B of the Aviation Security Act 1982	Stolen or prohibited articles in aerodromes	A constable can stop and search, without warrant, any person, vehicle or aircraft in any area of an aerodrome for stolen or prohibited articles (articles made or adapted for use in the course of, or in connection with, criminal conduct, or intended by the person having it with them for such use by them or another), where they have reasonable grounds to suspect that they will find such articles.
Edinburgh Airport Byelaw 9(2) 2015	Interest of public safety	A constable can stop and search, without warrant, any person or belongings, vehicle or any item under their control in the interest of public safety
Drugs and Other Substances		
Section 23 of the Misuse of Drugs Act 1971	Controlled drugs	If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of the Act or of any regulations or orders made thereunder, the constable may search that person and detain them for the purpose of searching them.
Section 23A of the Misuse of Drugs Act 1971	Temporary Class Drugs	Where a constable has reasonable grounds to suspect that a person is in possession of a temporary class drug and it does not appear to the constable that a power under section 23(2) applies to the case, they may search the person and detain them for the purposes of searching them for temporary class drugs.

OFFICIAL

<p>Section 36 Psychoactive Substances Act 2016</p>	<p>Psychoactive substances</p>	<p>If a constable has reasonable grounds to suspect that a person has committed, or is likely to commit one of the following offences:</p> <ul style="list-style-type: none"> • Produces a psychoactive substances • Supplies a substance to another person • Possess and intends to supply the psychoactive substance to another person • Imports a substance • Possession of a psychoactive substance in a custodial institution • Person against whom a prohibition order or a premises order is made commits an offence by failing to comply with the order <p>My stop and detain the person for the purposes of the search</p>
<p>Events</p>		
<p>Section 21 of the Criminal Law (Consolidation) (Scotland) Act 1995</p>	<p>Alcohol, controlled articles/substances/ containers</p>	<p>A constable may without warrant search a person who they have reasonable grounds to suspect is committing or has committed an offence in relation to controlled items at sporting events.</p>
<p>Section 67 Criminal Justice (Scotland) Act 2016</p>	<p>To ensure the health, safety or security of people on the premises or at the event.</p>	<p>A constable may without warrant search any person entering a premises or event where the entry is controlled by or on behalf of the occupier of the premises or the organiser of the event and the person has given consent as a condition of entry</p>
<p>Firearms and Crossbows</p>		
<p>Section 47 of the Firearms Act 1968</p>	<p>Firearms</p>	<p>If a constable has reasonable cause to suspect a person of having a firearm with them in a public place, or to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section, the constable may search that person and may detain them for the purpose of doing so.</p>
<p>Section 4 of the Crossbows Act 1987</p>	<p>Crossbows or part of a crossbow</p>	<p>If a constable suspects with reasonable cause that a person is under the age of eighteen (who is not supervised by a person who is twenty-one years of age or older) and has with them a crossbow (with a draw weight of 1.4 kilograms or more) which is capable of discharging a missile or parts of a crossbow which together can be assembled to form a crossbow capable of discharging a missile, the constable may search that person for a crossbow or parts of a crossbow.</p>

OFFICIAL

Fireworks		
Section 11A of the Fireworks Act 2003	Fireworks	A constable may search a person without warrant if the constable has reasonable grounds for suspecting that the person possesses a firework in contravention of a prohibition imposed by fireworks regulations. Prohibitions include possession of “adult fireworks” in a public place by persons under the age of 18.
Proceeds of Crime		
Section 289 Proceeds of Crime Act 2002	Cash gained by illegal or immoral means	If a constable has reasonable grounds for suspecting that a person is carrying cash*, which is recoverable property, or is intended by any person for use in unlawful conduct and, the amount of which is not less than the minimum amount. The officer so far as he thinks it necessary or expedient require the suspect (a) to permit a search of any article he has with him, (b) to permit a search of his person <small>*Cash means – notes and coins in any currency, postal orders, cheques of any kind, including travellers cheques, bankers drafts, bearer bonds and bearer shares, found at any place in the UK, gaming vouchers, fixed-value casino tokens and betting receipts.</small>
Section 303C Proceeds of Crime Act 2002	Listed Assets gained by illegal or immoral means	Allows for a constable to search for a listed asset* if: <ul style="list-style-type: none"> • All or part of it is recoverable property (i.e. property obtained through unlawful conduct) or is intended by any person for use in unlawful conduct; and • The value of the asset. Or the relevant part of the asset, is not less than the minimum value (currently £1000) <small>*A listed asset means an item of property that falls within one of the following descriptions of property – precious metals, precious stones, watches, artistic works, face-value vouchers and postage stamps.</small>
Public Order		
Section 60 of the Criminal Justice and Public Order Act 1994	Offensive weapons, dangerous instruments and items for concealing identity	Where an authorisation has been made under this section for a particular area, a constable in uniform may stop pedestrians or vehicles and search persons for offensive weapons, dangerous instruments (items which have a blade or are sharply pointed) or items for concealing identity.
Removal of Persons		
Section 66 Criminal Justice (Scotland) Act 2016	Care and Welfare	A constable may, without warrant, search any person who is not in police custody and is being taken to or from any place to ensure the person is not in, or does not remain in possession of any item or substance that could cause harm to the person or someone else
Stolen Property		

OFFICIAL

Section 60 of the Civic Government (Scotland) Act 1982	Stolen Property	If a constable has reasonable grounds to suspect that a person is in possession of any stolen property, the constable may search that person or anything in their possession and detain them for as long as is necessary for the purpose of that search.
Terrorism		
Section 43 of the Terrorism Act 2000	Evidence of terrorism	A constable may stop and search a person they reasonably suspect to be a terrorist to discover whether they have in their possession anything which may constitute evidence that they are a terrorist. A power conferred by virtue of this Act to stop a person includes power to stop a vehicle.
Section 47A of the Terrorism Act 2000	Evidence of terrorism	Where an authorisation has been made for searches in specified areas or places a constable in uniform may, without suspicion, stop a vehicle or pedestrian in the specified area or place and to search the vehicle, persons in the vehicle or pedestrian and anything carried by the pedestrian for the purpose of discovering whether there is anything which may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a terrorist.
Weapons		
Sec 48 of the Criminal Law (Consolidation) (Scotland) Act 1995	Offensive Weapon	Where a constable has reasonable grounds for suspecting that any person is carrying an offensive weapon and has committed or is committing an offence under Section 47 of the Act, the constable may search that person without warrant and detain them for such time as is reasonably required to permit the search to be carried out.
Section 49B of the Criminal Law (Consolidation) (Scotland) Act 1995	Offensive weapons/bladed or pointed articles in Schools	A constable may enter school premises and search those premises and any person on those premises for any article to which section 49 of the Act applies, or any offensive weapon within the meaning of section 47 of the Act, if they have reasonable grounds for suspecting that an offence under section 49A of the Act is being, or has been, committed.
Sec 50 of the Criminal Law (Consolidation) (Scotland) Act 1995	Bladed or pointed articles	Where a constable has reasonable grounds for suspecting that a person has with them an article to which Section 49 of the Act applies and has committed or is committing an offence under subsection (1) of that section, the constable may search that person without warrant and detain them for such time as is reasonably required to permit the search to be carried out.