



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART VII **S**

PROPERTY IN POSSESSION OF PERSONS TAKEN INTO POLICE CUSTODY

80 Application of Part VII to property. **S**

- (1) Subject to subsection (2) below, this Part of this Act applies to all the property which is found in the possession of a person, or in his charge, at the time when he is taken into police custody, that is to say, when he is arrested [^{F1}by a constable].
- (2) This Part of this Act does not apply to—
 - (a) property which is, or is reasonably suspected by a constable to be, in the unlawful possession of a person taken into police custody;
 - [^{F2}(b) property which the prosecutor determines is or may be required as a production in criminal proceedings or which he determines is or may be required for any other purpose relating to such proceedings;]
 - (c) property consisting of the personal clothing and effects of a person taken into police custody.

Textual Amendments

- F1** Words in s. 80(1) substituted (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 7\(d\)](#); [S.S.I. 2017/345](#), art. 3, sch.
- F2** S. 80(2)(b) substituted (19.5.1997) by [1997 c. 30](#), [ss. 6\(2\)](#), 7(2)

Changes to legislation:

Civic Government (Scotland) Act 1982, Section 80 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)