



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IV

#### OFFENCES, POWERS OF CONSTABLES, ETC.

##### *Powers of constables etc.*

#### **60 Powers of search and seizure.**

- (1) Subject to subsection (2) and (3) below, if a constable has reasonable grounds to suspect that a person is in possession of any stolen property, the constable may without warrant—
- search that person or anything in his possession, and detain him for as long as is necessary for the purpose of that search;
  - enter and search any vehicle or vessel in which the constable suspects that that thing may be found, and for that purpose require the person in control of the vehicle or vessel to stop it and keep it stopped;
  - enter and search any premises occupied by a second-hand dealer or a metal dealer for the purposes of his business;
  - seize and detain anything found in the course of any such search which appears to the constable to have been stolen or to be evidence of the commission of the crime of theft

and may, in doing so, use reasonable force.

In this subsection “second-hand dealer” and “metal dealer” have the meanings respectively assigned to them by sections 24(2) and 37(1) of this Act.

- (2) The power under subsection (1)(b) above to require the person in charge of a vehicle or vessel to stop it shall be exercisable only by a constable in uniform.
- (3) A constable who is not in uniform shall not be entitled to exercise the powers which he may exercise under subsection (1)(a) to (c) above until he has produced his identification—

**Changes to legislation:** Civic Government (Scotland) Act 1982, Section 60 is up to date with all changes known to be in force on or before 03 April 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. (See end of Document for details) [View outstanding changes](#)

- (a) in relation to the exercise of powers under subsection (1)(a) above, to the person in respect of whom the powers are exercised;
  - (b) in relation to the exercise of powers under subsections (1)(b) or (c) above, to the person for the time being in charge of the vehicle, vessel or premises and to any other person in or on the vehicle, vessel or premises who, having reasonable cause to do so, requests to see it.
- (4) In subsection (1) above “theft” includes any aggravation of theft including robbery.
- (5) Nothing in <sup>[F1]</sup>section 54(2A) of this Act or] this section prejudices any power of entry or search or any power to seize or detain property or any power to require any vehicle or vessel to be stopped <sup>[F2]</sup>which is otherwise exercisable by a constable].
- (6) Any person who, without reasonable excuse—
- (a) fails to allow a constable <sup>[F3]</sup>to enter and search—,
    - (i) any premises in pursuance of section 54(2A) of this Act or of subsection (1) above; or
    - (ii) any vehicle or vessel in pursuance of the said subsection (1)], or seize and detain anything found in the course of such search;
  - (b) when required by a constable in pursuance of subsection (1) above to stop a vehicle or vessel and keep it stopped, fails to do so; or
  - (c) obstructs a constable in the exercise of his powers under <sup>[F4]</sup>section 54(2A) of this Act or]subsection (1) above;
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding <sup>[F5]</sup>level 3 on the standard scale].

#### Textual Amendments

- F1** Words in s. 60(5) inserted (1.12.1998) by 1998 c. 37, s. 24(3)(a)(i); S.I. 1998/2327, art. 2(1)
- F2** Words in s. 60(5) substituted (1.12.1998) by 1998 c. 37, s. 24(3)(a)(ii); S.I. 1998/2327, art. 2(1)
- F3** Words and s. 60(6)(a)(i)(ii) substituted for words in s. 60(6)(a) substituted (1.12.1998) by 1998 c. 37, s. 24(3)(b)(i); S.I. 1998/2327, art. 2(1)
- F4** Words in s. 60(6)(c) inserted (1.12.1998) by 1998 c. 37, s. 24(3)(b)(ii); S.I. 1998/2327, art. 2(1)
- F5** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

**Changes to legislation:**

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**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\(1\)\(b\)](#)