



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART VII

PROPERTY IN POSSESSION OF PERSONS TAKEN INTO POLICE CUSTODY

82 Provision as to property where the person in custody is the owner etc.

- (1) If the chief constable is satisfied that the person taken into police custody is the owner or has right to the possession of the property—
 - (a) he shall require that person to make suitable arrangements for the collection, care and custody of the property; and
 - (b) if that person fails to make such arrangements as are referred to in paragraph (a) above within a reasonable time of having been required under that paragraph to do so, the chief constable—
 - (i) may make such arrangements as he thinks fit for the care and custody of the property;
 - (ii) if the property cannot in his opinion be safely or conveniently kept, may dispose of it, or arrange for its disposal, as he thinks fit.
- (2) When a person in relation to whose property the chief constable has made arrangements under subsection (1)(b)(i) above ceases to be in police custody, the chief constable shall make the property available to him or to any person authorised by him to act on his behalf for the purposes of this subsection on such conditions as the chief constable thinks fit, including payment of any reasonable expenses incurred by him in connection with the custody of the property.
- (3) Any disposal of property under subsection (1)(b)(ii) above to a person taking in good faith shall vest the ownership of the property in that person.
- (4) Any right which the Crown might have in property by virtue of its abandonment by its owner shall be capable of being extinguished in accordance with subsection (3) above.
- (5) Any proceeds from the disposal of the property under subsection (1)(b)(ii) above shall, after deduction of any reasonable expenses incurred by the chief constable in connection with the custody and disposal of the property, be kept by the chief constable

Changes to legislation: *Civic Government (Scotland) Act 1982, Section 82 is up to date with all changes known to be in force on or before 07 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*

on behalf of the person in police custody and shall be paid to that person when he ceases to be in such custody or to another person authorised on his behalf.

- (6) Where the proceeds mentioned in subsection (5) above do not cover the reasonable expenses of the chief constable in connection with the custody or disposal of the property, the chief constable may recover those expenses from the person who was taken into police custody.

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