



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IV

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

##### *Preventive offences*

#### **57 Being in or on building etc. with intent to commit theft.**

- (1) Any person who, without lawful authority to be there, is found in or on a building or other premises, whether enclosed or not, or in its curtilage or in a vehicle or vessel so that, in all the circumstances, it may reasonably be inferred that he intended to commit theft there shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F1</sup>level 4 on the standard scale] or to imprisonment for a period not exceeding 3 months or to both.
- (2) In this section “theft” includes any aggravation of theft including robbery.

#### **Textual Amendments**

**F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

#### **58 Convicted thief in possession.**

- (1) Any person who, being a person to whom this section applies—
  - (a) has or has recently had in his possession any tool or other object from the possession of which it may reasonably be inferred that he intended to commit theft or has committed theft; and
  - (b) is unable to demonstrate satisfactorily that his possession of such tool or other object is or was not for the purposes of committing theft

*Status: Point in time view as at 26/03/2001.*

*Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Preventive offences is up to date with all changes known to be in force on or before 11 July 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)*

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F2level 4 on the standard scale] or to imprisonment for a period not exceeding 3 months or to both.

- (2) For the purposes of subsection (1) above, a person shall have recently had possession of a tool or other object if he had possession of it within 14 days before the date of—
  - (a) his arrest without warrant for the offence of having so possessed it in contravention of subsection (1) above; or
  - (b) the issue of a warrant for his arrest for that offence; or
  - (c) if earlier, the service upon him of the first complaint alleging that he has committed that offence.
- (3) Where a court convicts a person of an offence under this section or discharges him absolutely or makes a probation order in relation to him in respect of such an offence it may order the forfeiture of any tool or other object in respect of the possession of which he was convicted or discharged absolutely, or, as the case may be, the probation order was made.
- (4) This section applies to a person who has two or more convictions for theft which are not, for the purposes of the <sup>M1</sup>Rehabilitation of Offenders Act 1974, spent convictions.
- (5) In this section “theft” includes any aggravation of theft including robbery.

#### Textual Amendments

**F2** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

#### Marginal Citations

**M1** 1974 c. 53.

**Status:**

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**Changes to legislation:**

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