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Status: *Point in time view as at 20/12/2017.*
Changes to legislation: *Civic Government (Scotland) Act 1982, Section 86A is up to date with all changes known to be in force on or before 30 June 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)*
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Civic Government (Scotland) Act 1982

1982 CHAPTER 45

[PART VIIA

PROPERTY IN UNLAWFUL POSSESSION OF PERSONS TAKEN INTO POLICE CUSTODY AND CERTAIN OTHER PROPERTY TO WHICH PART VII DOES NOT APPLY

F1[86A   Application of Part VIIA to property.

(1) Subject to subsection (2) below, this Part of this Act applies to property to which, by virtue only of paragraph (a) or (b) of section 80(2) of this Act, Part VII of this Act does not apply.

(2) This Part of this Act does not apply to property—

   (a)   possession of which has passed to the prosecutor and is for the time being retained by him or, in accordance with arrangements made by him, by some person other than the chief constable or himself; or

   (b)   in respect of which a suspended forfeiture order or a restraint order has been—

      (i) made and not recalled; or

      (ii) applied for and not refused.

(3) In subsection (2) above, "suspended forfeiture order" and "restraint order" shall be construed in accordance with, respectively, **[F2**section 21(2) of the Proceeds of Crime (Scotland) Act 1995 and Part 3 of the Proceeds of Crime Act 2002] .]

Textual Amendments
F1   Pt. VIIA (ss. 86A-86J) inserted (19.5.1997) by 1997 c. 30, **ss. 6(4)**, 7(2)
F2   Words in s. 86A(3) substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 12(2)**; S.S.I. 2003/210, art. 2(1)(b)(2), sch. (with art. 7)

Status:
Point in time view as at 20/12/2017.

Changes to legislation:
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