



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}86F Retention of relevant property by police authority.

- (1) Where a chief constable has power under section 86E(2) of this Act to sell or otherwise dispose of property and that property (not being money) has remained—
 - (a) for any continuous period of twelve months in his possession; or
 - (b) for part of any such period in his possession and for the rest of it in the possession of the prosecutor,the police authority may, if they are of the opinion that the property can be used for police purposes, determine that the property is to be retained by the authority; and the property shall vest in them on the making of the determination.
- (2) A determination under subsection (1) above shall be recorded in writing; and that record shall include the date on which the determination is made.
- (3) Any person who, immediately before the date on which a determination under subsection (1) above is made, owns the property in question, shall be entitled within one year after that date to recover possession of it as owner.
- (4) In subsection (1) above, “police authority” has the meaning assigned to it by section 2(1), as read with section 19(9)(a), of the ^{M1}Police (Scotland) Act 1967; and “the police authority” means the police authority for the area for which the chief constable’s force is maintained.]

Textual Amendments

F1 Pt. VIIA (ss. 86A-86J) inserted (19.5.1997) by 1997 c. 30, ss. 6(4), 7(2)

Status: Point in time view as at 26/03/2001. This version of this provision has been superseded.

Changes to legislation: *Civic Government (Scotland) Act 1982, Section 86F is up to date with all changes known to be in force on or before 11 September 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)*

Marginal Citations

M1 1967 c. 77.

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