



Road Traffic Act 1988

1988 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Offences in Scotland

178 Taking motor vehicle without authority, etc

- (1) A person who in Scotland—
- (a) takes and drives away a motor vehicle without having either the consent of the owner of the vehicle or other lawful authority, or
 - (b) knowing that a motor vehicle has been so taken, drives it or allows himself to be carried in or on it without such consent or authority,
- is, subject to subsection (2) below, guilty of an offence.
- (2) If—
- (a) the jury, on proceedings under this section on indictment, or
 - (b) the court, on summary proceedings under this section,
- is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given consent if he had been asked for it, the accused shall not be liable to be convicted of the offence.
- (3) A constable may arrest without warrant a person reasonably suspected by him of having committed or of attempting to commit an offence under this section.