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**Changes to legislation:** Police, Public Order and Criminal Justice (Scotland) Act 2006, Paragraph 6 is up to date with all changes known to be in force on or before 16 May 2025. 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

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## SCHEDULE 6 MODIFICATIONS OF ENACTMENTS

### PART 1

#### ACTS

##### *The Police Act 1997 (c. 50)*

- 6 (1) The Police Act 1997 is modified as follows.
- (2) In section 93 (authorisations to interfere with property)—
- (a) in subsection (3), after paragraph (e) there is inserted—
    - “(f) if the authorising officer is within subsection (5)(j), by a police member of the Scottish Crime and Drug Enforcement Agency appointed in accordance with paragraph 7 of schedule 2 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10).”;
  - (b) in subsection (5), after paragraph (i) there is inserted—
    - “(j) the Director General of the Scottish Crime and Drug Enforcement Agency.”; and
  - (c) in subsection (6), after paragraph (cb) there is inserted—
    - “(cc) in relation to the Director General of the Scottish Crime and Drug Enforcement Agency, means Scotland.”.
- (3) In section 94 (authorisations given in absence of authorising officer)—
- (a) in subsection (2), after paragraph (g) there is inserted—
    - “(h) where the authorising officer is within paragraph (j) of that subsection, by a person mentioned in subsection (5).”;
  - (b) in subsection (4)—
    - (i) in paragraph (a), the words “or (d)” and “or, as the case may be, section 5(4) of the Police (Scotland) Act 1967” are repealed; and
    - (ii) after that paragraph there is inserted—
      - “(aa) in the case of an authorising officer within paragraph (d) of section 93(5), means the person holding the rank of—
        - (i) deputy chief constable and, where there is more than one person in a police force who holds that rank, who is designated as the officer having the powers and duties conferred on a deputy chief constable by section 5A(1) of the Police (Scotland) Act 1967; or
        - (ii) assistant chief constable who is designated to act under section 5A(2) of that Act.”; and
  - (c) after subsection (4) there is inserted—
    - “(5) The person referred to in subsection (2)(h) is—

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- (a) the chief constable whose relevant area (within the meaning of section 93(6)(b)) is the area to which the application for authorisation relates; or
  - (b) his designated deputy (within the meaning of subsection (4)(aa)); or
  - (c) where it is not reasonably practicable for the chief constable or his designated deputy to consider the application, a person holding the rank of assistant chief constable in the chief constable's police force.”.
- (4) In section 95(7) (designated deputy permitted to exercise authorising officer's powers), for “or (d)” there is substituted ““(d) or (j) ”.
- (5) In section 107(4) (power of Prime Minister to exclude matters from a report), after paragraph (b) there is inserted—
- “(ba) the functions of the Scottish Crime and Drug Enforcement Agency;”.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 33A(e) inserted by 2025 asp 5 s. 17(3)(b)
- s. 33A(f) and word inserted by 2025 asp 5 s. 18(3)
- s. 34(3)(aa) inserted by 2025 asp 5 s. 13(1)(a)
- s. 34(3A) inserted by 2025 asp 5 s. 13(1)(b)
- s. 35(1A)(1B) inserted by 2025 asp 5 s. 14(a)
- s. 35(2A) inserted by 2025 asp 5 s. 15(2)(a)
- s. 35(3)(a)(iii) inserted by 2025 asp 5 s. 14(b)(i)
- s. 35(4A)-(4C) inserted by 2025 asp 5 s. 14(c)
- s. 35(7)(a) words in s. 37(7) renumbered as s. 35(7)(a) by 2025 asp 5 s. 15(2)(b)(i)
- s. 35(7)(b) and word inserted by 2025 asp 5 s. 15(2)(b)(ii)
- s. 40A(1)(a)(i) words in s. 40A(1)(a) renumbered as s. 40A(1)(a)(i) by 2025 asp 5 s. 16(1)(a)(i)
- s. 40A(1)(a)(ii) inserted by 2025 asp 5 s. 16(1)(a)(ii)
- s. 40A(1A) inserted by 2025 asp 5 s. 16(1)(b)
- s. 40ZA40ZB inserted by 2025 asp 5 s. 15(3)
- s. 41G41H and cross-heading inserted by 2025 asp 5 s. 17(2)
- s. 41I-41L and cross-heading inserted by 2025 asp 5 s. 18(2)
- s. 44(6) inserted by 2025 asp 5 s. 19
- s. 46A(1)(ba) inserted by 2025 asp 5 s. 18(6)(b)
- s. 46B and cross-heading inserted by 2025 asp 5 s. 20

**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. 33A(e) inserted by 2025 asp 5 s. 17(3)(b)
- s. 33A(f) and word inserted by 2025 asp 5 s. 18(3)
- s. 34(3)(aa) inserted by 2025 asp 5 s. 13(1)(a)
- s. 34(3A) inserted by 2025 asp 5 s. 13(1)(b)
- s. 35(1A)(1B) inserted by 2025 asp 5 s. 14(a)
- s. 35(2A) inserted by 2025 asp 5 s. 15(2)(a)
- s. 35(3)(a)(iii) inserted by 2025 asp 5 s. 14(b)(i)
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- s. 35(7)(a) words in s. 37(7) renumbered as s. 35(7)(a) by 2025 asp 5 s. 15(2)(b)(i)
- s. 35(7)(b) and word inserted by 2025 asp 5 s. 15(2)(b)(ii)
- s. 40A(1)(a)(i) words in s. 40A(1)(a) renumbered as s. 40A(1)(a)(i) by 2025 asp 5 s. 16(1)(a)(i)
- s. 40A(1)(a)(ii) inserted by 2025 asp 5 s. 16(1)(a)(ii)
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