



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 5

### CRIMINAL JUSTICE

#### *Interference with property*

#### **107 Authorisations to interfere with property etc.**

- (1) The Police Act 1997 (c.50) is amended as follows.
- (2) In section 93 (authorisations to interfere with property etc.)—
  - (a) after subsection (3A) insert—

“(3B) In the case of a joint operation, an authorising officer mentioned in subsection (3C) may authorise a person mentioned in subsection (3D) to take such action as is referred to in subsection (1).

(3C) Those authorising officers are—

- (a) the chief constable of a police force—
  - (i) maintained under or by virtue of section 1 of the Police (Scotland) Act 1967, and
  - (ii) involved in the joint operation,
- (b) where the Scottish Crime and Drug Enforcement Agency is involved in the joint operation, the Director General or Deputy Director General of that Agency.

(3D) The persons who may be authorised under subsection (1) are—

- (a) a constable of any of the police forces involved in the joint operation (whether or not the authorised action is to be carried out in the area of operation of the constable’s police force),
- (b) where the joint operation falls within paragraph (b) of subsection (3C), a police member of the Scottish Crime and Drug Enforcement Agency.

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*Status: This is the original version (as it was originally enacted).*

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- (3E) In subsection (3B), “joint operation” means a case involving—
- (a) at least two police forces in Scotland working together, or
  - (b) at least one police force in Scotland and the Scottish Crime and Drug Enforcement Agency working together.”
- (b) in paragraph (j) of subsection (5), after “General” insert “, or Deputy Director General,” and
- (c) in paragraph (cc) of subsection (6), after “General” insert “, or Deputy Director General.”
- (3) In section 94 (authorisations given in absence of authorising officer)—
- (a) in subsection (2)(h), after “(5)” insert “or, as the case may be, subsection (6)”,
  - (b) in subsection (5), at the beginning insert “Where the case is not a joint operation,” and
  - (c) after subsection (5), add—
- “(6) Where the case is a joint operation, the person referred to in subsection (2)(h) is the chief constable of a police force involved in the joint operation in the relevant area.
- (7) In subsections (5) and (6)—
- “joint operation” has the meaning given by section 93(3E), and
- “relevant area” means the area—
- (a) for which the police forces involved in the joint operation are maintained, and
  - (b) to which the application for authorisation relates.”