

*Draft Order laid before Parliament under section 96(6) of the Police Act 1997 for approval by  
resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

**POLICE**

**Police Act 1997 (Notification of Authorisations etc.) Order 1998**

*Made - - - - 1998  
Coming into force in accordance with article 1(1)*

Whereas—

(1) A notice under section 96 of the Police Act 1997(1) (“the 1997 Act”) (notification of authorisations etc.) shall specify such matters as the Secretary of State may by order prescribe;

(2) And whereas a draft of this Order has been approved by each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 96(2) of the 1997 Act, hereby orders as follows:

**Citation, commencement etc.**

1.—(1) This Order may be cited as the Police Act 1997 (Notification of Authorisations etc.) Order 1998 and shall come into force on the date on which Part III of the Police Act 1997 comes fully into force.

(2) In this Order, references to authorisations are references to authorisations under section 93 of the 1997 Act (authorisations to interfere with property etc.) and references to a notice are references to a notice required to be given to a Commissioner under section 96(1) of that Act (notifications of authorisations etc.).

**Notice of authorisation**

2. Where a person gives an authorisation, the notice thereof to a Commissioner shall specify the following matters—

- (a) whether section 97 of the 1997 Act (requiring the approval of a Commissioner in certain cases before an authorisation can take effect) applies;
- (b) where that section does not apply by virtue of subsection (3) of that section, the grounds on which the case is believed to be one of urgency;

- (c) the grounds on which the authorising officer believes the matters specified in section 93(2) of the 1997 Act;
- (d) the identity, where known, of persons to be the subject of the action authorised;
- (e) where the action authorised involves an interference with property, the property to which the authorisation applies;
- (f) the nature of the case and the reason why action of the kind and extent authorised is considered to be necessary;
- (g) whether the authorising officer considers that the action to be authorised is likely to lead to intrusion on the privacy of persons other than any person who is to be the subject of that action; and
- (h) whether it will be necessary to retrieve any equipment used in the action to be authorised.

#### **Notice of renewal of authorisation**

3. Where a person renews an authorisation, the notice thereof to a Commissioner shall specify the following matters—

- (a) whether the authorisation is being renewed for the first time, or, where it has been previously renewed, each occasion on which it has been renewed;
- (b) the matters required by article 2 above, as they apply at the time of notice of renewal;
- (c) every respect in which the information provided in the previous notification has changed;
- (d) the reason why it is considered to be necessary to renew the authorisation;
- (e) the content, and value to the investigation, of the information obtained to date through the action authorised;
- (f) the results of any reviews by the authorising officer; and
- (g) the period for which the authorisation is considered likely to continue to be necessary.

#### **Notice of cancellation of authorisation**

4. Where a person cancels an authorisation, the notice thereof to a Commissioner shall specify the following matters—

- (a) the date and time when he gave the instructions to cease the action authorised;
- (b) the reasons for cancelling the authorisation;
- (c) the outcome of the investigation to which the authorisation related, and details of any criminal proceedings instituted or intended to be instituted; and
- (d) what arrangements have been made for the storage of material obtained as a result of the action authorised, for its review and its destruction when its retention is no longer required, and for the immediate destruction of any material unrelated to the purposes for which the action was authorised.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which comes into force together with the provisions of Part III of the Police Act 1997 not already in force, specifies the matters which must be notified to a Commissioner when a person gives, renews or cancels an authorisation of action in respect of property or wireless telegraphy under Part III of the Police Act [1997 \(c. 50\)](#).