

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)



Police Act 1997

1997 CHAPTER 50

PART III

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

Modifications etc. (not altering text)

- C1 Pt. 3 (ss. 91-108) amended (S.) (29.9.2000) by 2000 asp 11, s. 24(2)(b) (with s. 30); S.S.I. 2000/341, art. 2
- C2 Pt. 3: power to apply (with modifications) conferred (1.10.2002) by Police Reform Act 2002 (c. 30), s. 19(2)(b); S.I. 2002/2306, art. 2(b)(v)
- C3 Pt. 3 modified (1.4.2004) by The Independent Police Complaints Commission (Investigatory Powers) Order 2004 (S.I. 2004/815), arts. 1(1), 2 (as amended (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, 10(5) (with reg. 37))

The Commissioners

^{F1}91 The Commissioners.

.....

Textual Amendments

- F1 S. 91 repealed (1.9.2017) by Investigatory Powers Act 2016 (c. 25), ss. 240(2)(c), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(i) (with regs. 6-11)

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

Authorisations

92 Effect of authorisation under Part III.

No entry on or interference with property or with wireless telegraphy shall be unlawful if it is authorised by an authorisation having effect under this Part.

93 Authorisations to interfere with property etc.

- (1) Where subsection (2) applies, an authorising officer may authorise—
- (a) the taking of such action, in respect of such property in the relevant area, as he may specify,
 - [^{F2}(ab) the taking of such action falling within subsection (1A), in respect of property outside the relevant area, as he may specify, or]
 - (b) the taking of such action in the relevant area as he may specify, in respect of wireless telegraphy.
- [^{F3}(1A) The action falling within this subsection is action for maintaining or retrieving any equipment, apparatus or device the placing or use of which in the relevant area has been authorised under this Part [^{F4}or the Investigatory Powers Act 2016] or Part II of the Regulation of Investigatory Powers Act 2000 or under any enactment contained in or made under an Act of the Scottish Parliament which makes provision equivalent to that made by Part II of that Act of 2000.
- (1B) Subsection (1) applies where the authorising officer is a [^{F5}National Crime Agency officer][^{F6}giving an authorisation on an application made by virtue of subsection (3)(b) (i)], [^{F7}an officer of Revenue and Customs][^{F8}, an immigration officer][^{F9}or the chair of the Competition and Markets Authority] with the omission of—
- (a) the words “in the relevant area”, in each place where they occur; and
 - (b) paragraph (ab).]
- (2) This subsection applies where the authorising officer believes—
- (a) that it is necessary for the action specified to be taken [^{F10}for the purpose of preventing or detecting][^{F11}—
 - (i) serious crime, or
 - (ii) the use of an unmanned aircraft in the commission of a relevant offence], and
 - [^{F12}(b) that the taking of the action is proportionate to what the action seeks to achieve.]
- [^{F13}(2A) Subsection (2) applies where the authorising officer is the Chief Constable or the Deputy Chief Constable of the [^{F14}Police Service of Northern Ireland] as if the reference in subsection (2)(a) to preventing or detecting serious crime included a reference to the interests of national security.
- [Where the authorising officer is the [^{F16}chair of the Competition and Markets
^{F15}(2AA) Authority], the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting an offence under section 188 of the Enterprise Act 2002.]
- [Where the authorising officer is the Chief Constable of the Civil Nuclear Constabulary,
^{F17}(2AB) the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence.]

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

[In the case of an England and Wales prison authorisation, the only purpose falling ^{F18}(2AC) within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence.]

[In the case of a Northern Ireland prison authorisation, the only purpose falling within ^{F19}(2AD) subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence.]

[In the case of a Scottish penal institution authorisation, the only purpose falling within ^{F20}(2AE) subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence.]

(2B) The matters to be taken into account in considering whether the requirements of subsection (2) are satisfied in the case of any authorisation shall include whether what it is thought necessary to achieve by the authorised action could reasonably be achieved by other means.]

(3) An authorising officer shall not give an authorisation under this section except on an application made—

[^{F21}(za) if the authorising officer is within subsection (5)(a) to (c)—

(i) by a member of the officer's police force; ^{F22}...

(ii) in a case where the chief officer of police of that force (“the authorising force”) has made an agreement under [^{F23}section 22A] of the Police Act 1996 with the chief officer of police of one or more other police forces, by a member of a collaborative force; [^{F24}or

(iii) in a case where the chief officer of police of the authorising force has made an agreement under that section with the Director General of the National Crime Agency, by a National Crime Agency officer (but see subsection (3AA));]

[^{F25}(zb) if the authorising officer is within subsection (5)(d), by a constable of the Police Service of Scotland;]

(a) if the authorising officer is within [^{F26}subsection] [^{F27}(5)(e)], [^{F28}(ea) or (ee)], by a member of his police force,

[^{F29}(aa) if the authorising officer is within subsection (5)(eb) to (ed), by a member, as the case may be, of the [^{F30}Royal Navy Police], the Royal Military Police or the Royal Air Force Police;]

[^{F31}(ab) if the authorising officer is within subsection (5)(ef), by a member of the Civil Nuclear Constabulary;]

[^{F32}(b) if the authorising officer is within [^{F33}subsection (5)(f)—

(i) by] a [^{F34}National Crime Agency officer], [^{F35}or

(ii) in a case where the Director General of the National Crime Agency has made an agreement under section 22A of the Police Act 1996 with the chief officer of police of one or more police forces, by a member of a collaborative force;]

(d) if the authorising officer is within subsection (5)(h), by [^{F36}an officer of Revenue and Customs] [^{F37}, ^{F38}...

[if the authorising officer is within subsection (5)(ha), by an immigration ^{F39}(da) officer;]

[in the case of an England and Wales prison authorisation, by—

^{F40}(db) (i) a prison officer,

(ii) an officer of a young offender institution,

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (iii) an officer of a secure training centre, or
- (iv) an officer of a secure college,

whose duties as such an officer are exercisable in relation to the relevant England and Wales institution (and, where that institution is a contracted out institution, such an officer who is temporarily attached to that institution is to be taken to have duties exercisable in relation to it);]

[^{F41}(dc) in the case of a Northern Ireland prison authorisation, by—

- (i) a prison officer, or
- (ii) a member of custodial staff for a juvenile justice centre,

whose duties as such an officer or member of staff are exercisable in relation to the relevant Northern Ireland institution;]

[^{F42}(dd) in the case of a Scottish penal institution authorisation, by a Scottish prison officer whose duties as such an officer are exercisable in relation to the relevant Scottish penal institution (and, where that institution is a contracted out Scottish penal institution, a Scottish prison officer who is temporarily attached to that institution is to be taken to have duties exercisable in relation to it);]

- (e) if the authorising officer is within subsection (5)(i), by an officer of the [^{F43}Competition and Markets Authority].]

[^{F44}(ea) if the authorising officer is within subsection (5)(ia), by a staff officer of the Police Investigations and Review Commissioner.]

^{F45}(f)

[^{F46}(3A) For the purposes of subsection (3)(za)(ii)—

- (a) a police force is a collaborative force if—
 - (i) its chief officer of police is a party to the agreement mentioned in that provision; and
 - (ii) its members are permitted by the terms of the agreement to make applications for authorisations under this section to the authorising officer of the authorising force; and
- (b) a reference to a police force is to the following—
 - (i) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
 - (ii) the metropolitan police force; and
 - (iii) the City of London police force.]

[^{F47}(3AA) A National Crime Agency officer may make an application by virtue of subsection (3)(za)(iii) only if permitted by the terms of the agreement mentioned in that provision to make applications for authorisations under this section to the authorising officer of the authorising force.

(3AB) For the purposes of subsection (3)(b), a police force is a collaborative force if—

- (a) its chief officer of police is a party to the agreement mentioned in that provision, and
- (b) its members are permitted by the terms of the agreement to make applications for authorisations under this section to the authorising officer mentioned in that provision.

Paragraph (b) of subsection (3A) applies for the purposes of this subsection.]

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

[^{F48}(3ZA) An authorisation under this section may be given by the authorising officer within subsection (5)(ia) only where it relates to the taking of action in pursuance of paragraph (b)(i) of section 33A of the Police, Public Order and Criminal Justice (Scotland) Act 2006.]

^{F49}(3B)

^{F49}(3C)

^{F49}(3D)

^{F49}(3E)

(4) For the purposes of subsection (2), conduct which constitutes one or more offences shall be regarded as serious crime if, and only if,—

- (a) it involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose, or
- (b) the offence or one of the offences is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more,

and, where the authorising officer is within subsection (5)(h), [^{F50}the conduct] relates to an assigned matter within the meaning of section 1(1) of the ^{M1}Customs and Excise Management Act 1979 [^{F51}or, where the authorising officer is within subsection (5) (ha), any of the offences is an immigration or nationality offence].

[^{F52}(4A) For the purposes of subsection (2), “relevant offence” means—

- (a) an offence under any of these provisions of the Prison Act 1952—
 - (i) section 39 (assisting a prisoner to escape);
 - (ii) section 40B (conveyance etc of List A articles into or out of prison);
 - (iii) section 40C (conveyance etc of List B or C articles into or out of prison);
 - (iv) section 40CB (throwing articles into prison);
- (b) an offence under any of these provisions of the Prison Act (Northern Ireland) 1953—
 - (i) section 29(1) (assisting escape from lawful custody);
 - (ii) section 33 (facilitating escape by conveying things into prison);
 - (iii) section 34A (conveyance etc of List A articles into or out of prison);
 - (iv) section 34B (conveyance etc of List B or C articles into or out of prison);
- (c) an offence at common law in Scotland committed by assisting a prisoner in a penal institution in Scotland in escaping or attempting to escape from the institution;
- (d) an offence at common law in Scotland committed by, intending to facilitate the escape of a prisoner from a penal institution in Scotland, doing any of the following things—
 - (i) bringing, throwing or otherwise conveying anything into the institution;
 - (ii) causing another person to bring, throw or otherwise convey anything into the institution;

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (iii) giving anything to a prisoner or leaving anything in any place (whether inside or outside the institution);
 - (e) an offence under either of these provisions of the Prisons (Scotland) Act 1989—
 - (i) section 41 (unlawful introduction of proscribed articles into a prison);
 - (ii) section 41ZA (provision to and use by prisoners of personal communication devices);
 - (f) an offence under section 1(2) of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);
 - (g) an offence under any of these provisions of the Air Navigation Order 2016—
 - (i) article 94A (certain unmanned aircraft: permission for flights over or near aerodromes);
 - (ii) article 239(4) (prohibited or restricted flying);
 - (iii) article 240 (endangering safety of an aircraft);
 - (iv) article 241 (endangering safety of any person or property);
 - (v) article 265A(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to UAS operators);
 - (vi) article 265B(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to remote pilots);
 - (h) an offence under article 265B(3) of the Air Navigation Order 2016 committed by the contravention of a relevant requirement set out or referred to in any of the following provisions of that Order—
 - (i) article 265B(5)(a), (h), (i) or (j);
 - (ii) article 265B(6);
 - (iii) article 265B(7)(e), but only insofar as that requirement (to comply with authorised limitations and conditions) regulates the operation of an unmanned aircraft during flight;
 - (iv) article 265B(7)(f), (g) or (i);
 - (v) article 265B(8), but only insofar as that requirement (conditions under which operations in the framework of the model aircraft clubs or associations may be conducted) regulates the operation of an unmanned aircraft during flight.
- (4B) The Secretary of State may by regulations made by statutory instrument amend subsection (4A) to add or remove an offence.
- (4C) The Secretary of State may not make regulations under subsection (4B) unless a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.]
- (5) In this section “authorising officer” means—
- (a) the chief constable of a police force maintained under section 2 of the ^{M2}Police Act 1996 (maintenance of police forces for areas in England and Wales except London);
 - (b) the Commissioner, or an Assistant Commissioner, of Police of the Metropolis;
 - (c) the Commissioner of Police for the City of London;
 - [^{F53}(d) the chief constable of the Police Service of Scotland, or any deputy chief constable or assistant chief constable of the Police Service of Scotland who is designated for the purposes of this paragraph by the chief constable;]

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (e) the Chief Constable or a Deputy Chief Constable of the ^{F14}Police Service of Northern Ireland];
 - ^{F54}(ea) the Chief Constable of the Ministry of Defence Police;
 - (eb) the Provost Marshal of the ^{F55}Royal Navy Police];
 - (ec) the Provost Marshal of the Royal Military Police;
 - (ed) the Provost Marshal of the Royal Air Force Police;
 - (ee) the Chief Constable of the ^{F56}British Transport Police;]
 - ^{F57}(ef) the Chief Constable of the Civil Nuclear Constabulary;]
 - ^{F58}(f) the Director General of the National Crime Agency, or any other National Crime Agency officer who is designated for the purposes of this paragraph by that Director General;]
 - ^{F59}(h) an officer of Revenue and Customs who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated for the purposes of this paragraph by the Commissioners for Her Majesty's Revenue and Customs;]^{F60} ...
 - ^{F61}(ha) an immigration officer who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated for the purposes of this paragraph by the Secretary of State;]
 - ^{F62}(hb) a member of senior management for prisons in England and Wales—
 - (i) whose duties as a member of senior management for prisons in England and Wales are exercisable in relation to the relevant England and Wales institution, and
 - (ii) who is designated for the purposes of this paragraph by the Secretary of State;]
 - ^{F63}(hc) a member of senior management for prisons in Northern Ireland whose duties as a member of senior management for prisons in Northern Ireland are exercisable in relation to the relevant Northern Ireland institution;]
 - ^{F64}(hd) a member of senior management for penal institutions in Scotland—
 - (i) whose duties as a member of senior management for penal institutions in Scotland are exercisable in relation to the relevant Scottish penal institution, and
 - (ii) who is designated for the purposes of this paragraph by the Scottish Ministers;]
 - ^{F65}(i) the ^{F66}chair of the Competition and Markets Authority].]
 - ^{F67}(ia) the Police Investigations and Review Commissioner.]
 - ^{F68}(j)
- (6) In this section “relevant area”—
- (a) in relation to a person within paragraph (a), (b) or (c) of subsection (5) ^{F69}to whom an application is made by virtue of subsection (3)(za)(i)], means the area in England and Wales for which his police force is maintained;
 - ^{F70}(aa) in relation to a person within any of those paragraphs to whom an application is made by virtue of subsection (3)(za)(ii), means the area in England and Wales—
 - (i) for which any collaborative force (within the meaning of subsection (3A)) is maintained; and
 - (ii) which is specified in relation to members of that force in the agreement mentioned in subsection (3)(za)(ii);]

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- [^{F71}(ab) in relation to a person within any of those paragraphs to whom an application is made by virtue of subsection (3)(za)(iii), means the area in England and Wales for which—
 - (i) the person's police force is maintained, or
 - (ii) any other police force whose chief officer of police is a party to the agreement mentioned in subsection (3)(za)(iii) is maintained,
 and which is specified in relation to NCA officers in the agreement mentioned in that provision;]
- (b) in relation to a person within paragraph (d) [^{F72}or (ia) of subsection (5), means Scotland];
- (c) in relation to a person within paragraph (e) of that subsection, means Northern Ireland;
- [^{F73}(ca) in relation to a person within paragraph (ea), means any place where, under section 2 of the ^{M3}Ministry of Defence Police Act 1987, the members of the Ministry of Defence Police have the powers and privileges of a constable;
- (cb) in relation to a person within paragraph (ee), means the United Kingdom;]
- [^{F74}(cbza) in relation to a person within subsection (5)(ef), means any place where, under section 56 of the Energy Act 2004, the members of the Civil Nuclear Constabulary have the powers and privileges of a constable;]
- [^{F75}(cba) in relation to a person within subsection (5)(f) to whom an application is made by virtue of subsection (3)(b)(ii), means the area in England and Wales—
 - (i) for which any collaborative force (within the meaning of subsection (3AB)) is maintained, and
 - (ii) which is specified in relation to members of that force in the agreement mentioned in subsection (3)(b)(ii);]
- [^{F76}(cbb) in relation to an England and Wales prison authorisation, means the area of—
 - (i) a prison in England or Wales,
 - (ii) a young offender institution in England or Wales,
 - (iii) a secure training centre in England or Wales, or
 - (iv) a secure college in England or Wales,
 together with such area or areas adjoining the boundary of that prison, institution, centre or college as the authorising officer considers it necessary and proportionate for the authorisation to relate to;]
- [^{F77}(cbc) in relation to a Northern Ireland prison authorisation, means the area of—
 - (i) a prison in Northern Ireland,
 - (ii) a young offenders centre in Northern Ireland,
 - (iii) a remand centre in Northern Ireland, or
 - (iv) a juvenile justice centre in Northern Ireland,
 together with such area or areas adjoining the boundary of that prison or centre as the authorising officer considers it necessary and proportionate for the authorisation to relate to;]
- [^{F78}(cbd) in relation to a Scottish penal institution authorisation, means the area of a penal institution in Scotland together with such area or areas adjoining the boundary of that institution as the authorising officer considers it necessary or proportionate for the authorisation to relate to;]
- ^{F79}(cc)
- ^{F80}(d)
- ^{F81}(e)

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

^{F82}(f)

and in each case includes the adjacent United Kingdom waters.

[^{F83}(6A) For the purposes of any authorisation by a person within paragraph (eb), (ec) or (ed) of subsection (5) property is in the relevant area or action in respect of wireless telegraphy is taken in the relevant area if, as the case may be—

- (a) the property is owned, occupied, in the possession of or being used by a person [^{F84}who is subject to service law or is a civilian subject to service discipline]; or
- (b) the action is taken in relation to the use of wireless telegraphy by such a person.

[^{F85}(6B) In subsection (6A) “subject to service law” and “civilian subject to service discipline” have the same meanings as in the Armed Forces Act 2006.]

[For the purposes of this section, an offence is an immigration or nationality offence ^{F86}(6C) if conduct constituting the offence—

- (a) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or
- (b) is undertaken for the purposes of, or otherwise in relation to, any of these enactments—
 - (i) the British Nationality Act 1981;
 - (ii) the Hong Kong Act 1985;
 - (iii) the Hong Kong (War Wives and Widows) Act 1996;
 - (iv) the British Nationality (Hong Kong) Act 1997;
 - (v) the British Overseas Territories Act 2002;
 - (vi) an instrument made under any of those Acts.]

(7) The powers conferred by, or by virtue of, this section are additional to any other powers which a person has as a constable either at common law or under or by virtue of any other enactment and are not to be taken to affect any of those other powers.]

[^{F87}(8) In this section—

“England and Wales prison authorisation” means an authorisation where the authorising officer is within subsection (5)(hb);

“contracted out institution” means—

- (a) a prison or young offender institution that is a contracted out prison within the meaning of Part 4 of the Criminal Justice Act 1991 (see section 84(4) of that Act and the definition of “prison” in section 92(1) of that Act),
- (b) a contracted out secure training centre within the meaning of sections 7 to 14 of the Criminal Justice and Public Order Act 1994 (see section 15 of that Act), or
- (c) a contracted-out secure college within the meaning of Schedule 10 to the Criminal Justice and Courts Act 2015 (see paragraph 1 of that Schedule);

“contracted out Scottish penal institution” means a penal institution for the running of which a contract under section 106 of the Criminal Justice and Public Order Act 1994 is for the time being in force;

“member of custodial staff for a juvenile justice centre” means a person who is authorised by the managers of a juvenile justice centre to take charge of a person detained by them;

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

“member of senior management for penal institutions in Scotland” means a person—

- (a) who is a member of staff of the Scottish Administration of a seniority designated for the purposes of this section by the Scottish Ministers, and
- (b) whose duties are exercisable in relation to penal institutions in Scotland generally, or any type of such institutions;

“member of senior management for prisons in England and Wales” means a person—

- (a) who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000, and
- (b) whose duties as a senior official are exercisable in relation to prisons, young offender institutions, secure training centres or secure colleges in England and Wales;

“member of senior management for prisons in Northern Ireland” means a person—

- (a) who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000, and
- (b) whose duties as a senior official are exercisable in relation to prisons, young offenders centres, remand centres or juvenile justice centres in Northern Ireland;

“Northern Ireland prison authorisation” means an authorisation where the authorising officer is within subsection (5)(hc);

“Northern Ireland prison officer” means a person appointed under section 2(2) of the Prison Act (Northern Ireland) 1953 (including any person whose duties are exercisable in relation to a young offenders centre or remand centre in Northern Ireland);

“penal institution” has the meaning given by section 108 of the Criminal Justice (Scotland) Act 2016;

“prison”, in relation to Northern Ireland, has the meaning given in section 47(1A) of the Prison Act (Northern Ireland) 1953;

“prisoner”, in relation to a penal institution, means a person who is detained or imprisoned in such an institution;

“relevant England and Wales institution”, in relation to an England and Wales prison authorisation, means the prison, young offender institution, secure training centre or secure college in England and Wales to which the authorisation relates;

“relevant Northern Ireland institution”, in relation to a Northern Ireland prison authorisation, means the prison, young offenders centre, remand centre or juvenile justice centre in Northern Ireland to which the authorisation relates;

“relevant Scottish penal institution”, in relation to a Scottish penal institution authorisation, means the penal institution in Scotland to which the authorisation relates;

“Scottish penal institution authorisation” means an authorisation where the authorising officer is within subsection (5)(hd);

“Scottish prison officer” means a person who holds a post, otherwise than as a medical officer, to which the person has been appointed for the purposes of section 3(1A) of the Prisons (Scotland) Act 1989;

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

“unmanned aircraft” means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board.]

Textual Amendments

- F2** S. 93(1)(ab) substituted for word “or” (25.9.2000) by 2000 c. 23, s. 75(2) (with s. 82(3)); S.I. 2000/2543, art. 2
- F3** S. 93(1A)(1B) inserted (25.9.2000) by 2000 c. 23, s. 75(3) (with s. 82(3)); S.I. 2000/2543, art. 2
- F4** Words in s. 93(1A) inserted (27.6.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), Sch. 10 para. 1 (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(i)
- F5** Words in s. 93(1B) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), Sch. 8 para. 56(2); S.I. 2013/1682, art. 3(v)
- F6** Words in s. 93(1B) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), Sch. 19 para. 1(2)
- F7** Words in s. 93(1B) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 12 para. 1(a); S.I. 2008/219, art. 2(b)
- F8** Words in s. 93(1B) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), Sch. 21 para. 2(2) (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F9** Words in s. 93(1B) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), Sch. 1 para. 116(2) (with art. 3)
- F10** Words in s. 93(2)(a) substituted (25.9.2000) by 2000 c. 23, s. 75(4)(a) (with s. 82(3)); S.I. 2000/2543, art. 2
- F11** Words in s. 93(2)(a) substituted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), Sch. 8 para. 11(2); S.I. 2021/748, reg. 2(k)
- F12** S. 93(2)(b) substituted (25.9.2000) by 2000 c. 23, s. 75(4)(b) (with s. 82(3)); S.I. 2000/2543, art. 2
- F13** S. 93(2A)(2B) inserted (25.9.2000) by 2000 c. 23, s. 75(5) (with s. 82(3)); S.I. 2000/2543, art. 2
- F14** Words in s. 93(2A)(5)(e) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 20(2)(b); S.R. 2001/396, art. 2, Sch.
- F15** S. 93(2AA) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), ss. 200(2)(b), 279; S.I. 2003/1397, art. 2(1), Sch.
- F16** Words in s. 93(2AA) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), Sch. 1 para. 116(3) (with art. 3)
- F17** S. 93(2AB) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), Sch. 8 para. 11(3); S.I. 2021/748, reg. 2(k)
- F18** S. 93(2AC) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), Sch. 8 para. 11(4); S.I. 2021/748, reg. 2(k)
- F19** S. 93(2AD) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), Sch. 8 para. 11(5); S.I. 2021/748, reg. 2(k)
- F20** S. 93(2AE) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), Sch. 8 para. 11(6); S.I. 2021/748, reg. 2(k)
- F21** S. 93(3)(za) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 6(2), 116(1); S.I. 2009/3096, art. 3(a)
- F22** Word in s. 93(3)(za)(i) omitted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), Sch. 19 para. 1(3)(a)

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- F23** Words in s. 93(3)(za)(ii) substituted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(3)(b)**
- F24** S. 93(3)(za)(iii) and word inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(3)(c)**
- F25** S. 93(3)(zb) inserted (E.W.N.I.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 6(2)(a)(i)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(a)(i)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F26** Words in s. 93(3)(a) substituted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 6(3)**, 116(1); S.I. 2009/3096, art. 3(a)
- F27** Word in s. 93(3)(a) substituted (E.W.N.I.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 6(2)(a)(ii)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(a)(ii)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F28** Words in s. 93(3)(a) substituted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(2)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F29** S. 93(3)(aa) inserted (25.9.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 8(2)(b)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F30** Words in s. 93(3)(aa) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 146(2)**; S.I. 2007/1442, art. 2(1)
- F31** S. 93(3)(ab) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(7)**; S.I. 2021/748, reg. 2(k)
- F32** S. 93(3)(b) substituted for s. 93(3)(b)(c) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 97(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10 (with art. 4(3))
- F33** Words in s. 93(3)(b) substituted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(3)(d)(i)**
- F34** Words in s. 93(3)(b) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 56(2)**; S.I. 2013/1682, art. 3(v)
- F35** S. 93(3)(b)(ii) and word inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(3)(d)(ii)**
- F36** Words in s. 93(3)(d) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 12 para. 1(b)**; S.I. 2008/219, art. 2(b)
- F37** S. 93(3)(e) and word inserted (20.6.2003) by Enterprise Act 2002 (c. 40), **ss. 200(2)(c)**, 279; S.I. 2003/1397, art. 2(1), Sch.
- F38** Word in s. 93(3)(d) omitted (25.6.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(3)(a)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F39** S. 93(3)(da) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(3)(b)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F40** S. 93(3)(db) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(8)**; S.I. 2021/748, reg. 2(k)
- F41** S. 93(3)(dc) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(9)**; S.I. 2021/748, reg. 2(k)
- F42** S. 93(3)(dd) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(10)**; S.I. 2021/748, reg. 2(k)
- F43** Words in s. 93(3)(e) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 116(4)** (with art. 3)
- F44** S. 93(3)(ea) inserted (E.W.N.I.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 6(2)**

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (a)(iii); and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(a)(iii)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F45** S. 93(3)(f) repealed (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F46** S. 93(3A) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 6(4)**, 116(1); S.I. 2009/3096, art. 3(a)
- F47** S. 93(3AA)(3AB) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(4)**
- F48** S. 93(3ZA) inserted (E.W.N.I.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 6(2)(b)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F49** S. 93(3B)-(3E) repealed (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F50** Words in s. 93(4) substituted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(4)(a)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F51** Words in s. 93(4) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(4)(b)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F52** S. 93(4A)-(4C) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(11)**; S.I. 2021/748, reg. 2(k)
- F53** S. 93(5)(d) substituted (E.W.N.I.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 6(2)(c)(i)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(c)(i)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F54** S. 93(5)(ea)-(ee) inserted (25.9.2000) by 2000 c. 23, s. 75(6)(a) (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F55** Words in s. 93(5)(eb) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 146(3)**; S.I. 2007/1442, art. 2(1)
- F56** S. 93 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 5 para. 4**; S.I. 2004/1572, art. 3(jjj)
- F57** S. 93(5)(ef) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(12)**; S.I. 2021/748, reg. 2(k)
- F58** S. 93(5)(f) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 56(3)**; S.I. 2013/1682, art. 3(v)
- F59** S. 93(5)(h) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 12 para. 1(c)**; S.I. 2008/219, art. 2(b)
- F60** Word in s. 93(5)(h) omitted (25.6.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(5)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F61** S. 93(5)(ha) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), **ss. 55(1)**, 61(2) (with Sch. 21 para. 40); S.I. 2013/1042, art. 4(d)
- F62** S. 93(5)(hb) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(13)**; S.I. 2021/748, reg. 2(k)
- F63** S. 93(5)(hc) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(14)**; S.I. 2021/748, reg. 2(k)
- F64** S. 93(5)(hd) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 11(15)**; S.I. 2021/748, reg. 2(k)
- F65** S. 93(5)(i) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), **ss. 200(2)(d)**, 279; S.I. 2003/1397, art. 2(1), **Sch.**

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- F66** Words in s. 93(5)(i) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 116(5)** (with art. 3)
- F67** S. 93(5)(ia) inserted (E.W.N.I.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 1 para. 6(2)(c)(ii)**; and (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 14(2)(c)(ii)**; [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F68** S. 93(5)(j) repealed (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 1**; [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F69** Words in s. 93(6)(a) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 6(5)(a)**, 116(1); [S.I. 2009/3096](#), art. 3(a)
- F70** S. 93(6)(aa) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 6(5)(b)**, 116(1); [S.I. 2009/3096](#), art. 3(a)
- F71** S. 93(6)(ab) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(5)(a)**
- F72** Words in s. 93(6)(b) substituted (E.W.N.I.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 1 para. 6(2)(d)**; and (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 14(2)(d)**; [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F73** S. 93(6)(ca)(cb) inserted (25.9.2000) by [2000 c. 23](#), **s. 75(7)** (with s. 82(3)); [S.I. 2000/2543](#), **art. 2**
- F74** S. 93(6)(cbza) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(1)(a), **Sch. 8 para. 11(16)**; [S.I. 2021/748](#), reg. 2(k)
- F75** S. 93(6)(cba) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(5)(b)**
- F76** S. 93(6)(cbb) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(1)(a), **Sch. 8 para. 11(17)**; [S.I. 2021/748](#), reg. 2(k)
- F77** S. 93(6)(cbc) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(1)(a), **Sch. 8 para. 11(18)**; [S.I. 2021/748](#), reg. 2(k)
- F78** S. 93(6)(cbd) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(1)(a), **Sch. 8 para. 11(19)**; [S.I. 2021/748](#), reg. 2(k)
- F79** S. 93(6)(cc) repealed (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 1**; [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F80** S. 93(6)(d) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 97(5)**, **Sch. 17 Pt. 2**; [S.I. 2006/378](#), art. 4(1), **Sch. paras. 10, 13(dd)** (with art. 4(3))
- F81** S. 93(6)(e) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 97(5)**, **Sch. 17 Pt. 2**; [S.I. 2006/378](#), art. 4(1), **Sch. paras. 10, 13(dd)** (with art. 4(3))
- F82** S. 93(6)(f) and the word “and” immediately preceding it repealed (25.9.2000) by [2000 c. 23](#), s. 82(2), **Sch. 5** (with s. 82(3)); [S.I. 2000/2543](#), **art. 2**
- F83** S. 93(6A)(6B) inserted (25.9.2000) by [2000 c. 23](#), **s. 75(8)** (with s. 82(3)); [S.I. 2000/2543](#), **art. 2**
- F84** Words in s. 93(6A)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 146(4)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F85** S. 93(6B) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 146(5)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F86** S. 93(6C) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 21 para. 2(6)** (with [Sch. 20 para. 29](#)); [S.I. 2013/1042](#), art. 4(i)

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

F87 S. 93(8) inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\), s. 21\(1\)\(a\), Sch. 8 para. 11\(20\)](#); S.I. 2021/748, reg. 2(k)

Modifications etc. (not altering text)

C4 S. 93 amended (S.) (29.9.2000) by [2000 asp 11, s. 23\(5\)](#) (with s. 30); S.S.I. 2000/341, [art. 2](#)

Marginal Citations

M1 1979 c. 2.

M2 1996 c. 16.

M3 1987 c. 4.

94 Authorisations given in absence of authorising officer.

(1) Subsection (2) applies where it is not reasonably practicable for an authorising officer to consider an application for an authorisation under section 93 and—

(a) if the authorising officer is within paragraph (b) [^{F88}, (e) or (f)] of section 93(5), it is also not reasonably practicable for the application to be considered by any of the other persons within the paragraph concerned; ^{F89} . . .
^{F90} ...

(b) if the authorising officer is within paragraph (a) [^{F91} or (c)] of section 93(5), it is also not reasonably practicable for the application to be considered by his designated deputy ^{F92} ...

[^{F93}(ba) in the case of an England and Wales prison authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy;]

[^{F94}(bb) in the case of a Northern Ireland prison authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy; or]

[^{F95}(bc) in the case of a Scottish penal institution authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy.]

^{F92}(c)

(2) Where this subsection applies, the powers conferred on the authorising officer by section 93 may, in an urgent case, be exercised—

(a) where the authorising officer is within paragraph (a) [^{F96} or (d)] of subsection (5) of that section, by a person holding the rank of assistant chief constable in his force;

(b) where the authorising officer is within paragraph (b) of that subsection, by a person holding the rank of commander in the metropolitan police force;

(c) where the authorising officer is within paragraph (c) of that subsection, by a person holding the rank of commander in the City of London police force;

(d) where the authorising officer is within paragraph (e) of that subsection, by a person holding the rank of assistant chief constable in the [^{F97}Police Service of Northern Ireland];

[^{F98}(da) where the authorising officer is within paragraph (ea) of that subsection, by a person holding the rank of deputy or assistant chief constable in the Ministry of Defence Police;

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (db) where the authorising officer is within paragraph (eb) of that subsection, by a person holding the position of assistant Provost Marshal in the [^{F99}Royal Navy Police];
- (dc) where the authorising officer is within paragraph (ec) or (ed) of that subsection, by a person holding the position of deputy Provost Marshal in the Royal Military Police or, as the case may be, in the Royal Air Force Police;
- (dd) where the authorising officer is within paragraph (ee) of that subsection, by a person holding the rank of deputy or assistant chief constable in the ^{F100}British Transport Police;]
- [^{F101}(de) where the authorising officer is within paragraph (ef) of that subsection, by a person holding the rank of deputy or assistant chief constable in the Civil Nuclear Constabulary;]
- [^{F102}(e) where the authorising officer is within paragraph (f) of that subsection, by a person designated for the purposes of this section by the [^{F103}Director General of the National Crime Agency];]
- (f) where the authorising officer is within paragraph (h) of that subsection, [^{F104}by an officer of Revenue and Customs who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated by the Commissioners for Her Majesty's Revenue and Customs] for the purposes of this section.
- [^{F105}(fa) where the authorising officer is within paragraph (ha) of that subsection, by a senior official (within the meaning of the Regulation of Investigatory Powers Act 2000) in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated by the Secretary of State for the purposes of this section;]
- [^{F106}(fb) in the case of an England and Wales prison authorisation, by a person—
 - (i) who is a member of the civil service (within the meaning of Chapter 1 of Part 1 of the Constitutional Reform and Governance Act 2010 — see section 1(4) of that Act),
 - (ii) whose duties are exercisable in relation to the relevant England and Wales institution, and
 - (iii) who is designated for the purposes of this paragraph by the Secretary of State;]
- [^{F107}(fc) in the case of a Northern Ireland prison authorisation, by a person—
 - (i) who is a member of the Northern Ireland Civil Service,
 - (ii) whose duties are exercisable in relation to the relevant Northern Ireland institution, and
 - (iii) who is designated for the purposes of this paragraph by the Department of Justice in Northern Ireland;]
- [^{F108}(fd) in the case of a Scottish penal institution authorisation, by a person—
 - (i) who is a member of staff of the Scottish Administration,
 - (ii) whose duties are exercisable in relation to the relevant Scottish penal institution, and
 - (iii) who is designated for the purposes of this paragraph by the Scottish Ministers;]
- [^{F109}(g) where the authorising officer is within paragraph (i) of that subsection, by an officer of the [^{F110}Competition and Markets Authority] designated by it for the purposes of this section.]

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- [^{F111}(ga) where the authorising officer is within paragraph (ia) of that subsection, by a staff officer of the Police Investigations and Review Commissioner who is designated by the Commissioner for the purposes of this section.]
- ^{F112}(h)
- ^{F113}(3)
- (4) In subsection (1), “designated deputy”—
 - [^{F114}(a) in the case of an authorising officer within paragraph (a) of section 93(5), means—
 - (i) the person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996, or
 - (ii) the person holding the rank of assistant chief constable designated to act under section 12A(2) of that Act;]
 - ^{F115}(aa)
 - (b) in the case of an authorising officer within paragraph (c) of section 93(5), means the person authorised to act ^{F116} . . . under section 25 of the ^{M4}City of London Police Act 1839; ^{F117} . . .
 - [^{F118}(ba) in the case of an England and Wales prison authorisation, a member of senior management for prisons in England and Wales who is designated for the purposes of this paragraph by the Secretary of State;]
 - [^{F119}(bb) in the case of a Northern Ireland prison authorisation, a member of senior management for prisons in Northern Ireland who is designated for the purposes of this paragraph by the Department of Justice in Northern Ireland;]
 - [^{F120}(bc) in the case of a Scottish penal institution authorisation, a member of senior management for penal institutions in Scotland who is designated for the purpose of this paragraph by the Scottish Ministers.]
 - ^{F121}(c)
 - (d)
- [^{F122}(4A) In this section “England and Wales prison authorisation”, “member of senior management for prisons in England and Wales” and “relevant England and Wales institution” have the same meanings as in section 93.]
- [^{F123}(4B) In this section “member of senior management for prisons in Northern Ireland”, “Northern Ireland prison authorisation” and “relevant Northern Ireland institution” have the same meanings as in section 93.]
- [^{F124}(4C) In this section, “member of senior management for penal institutions in Scotland”, “Scottish penal institution authorisation” and “relevant Scottish penal institution” have the same meanings as in section 93.]
- ^{F125}(5)
- ^{F125}(6)
- ^{F125}(7)

Textual Amendments

F88 Words in s. 94(1)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 98\(2\)\(a\)](#); S.I. 2006/378, art. 4(1), [Sch. para. 10](#)

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- F89** Word at the end of s. 94(1)(a) repealed (25.9.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F90** Word in s. 94(1)(a) omitted (29.4.2021 for specified purposes) by virtue of Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(2)(a)**
- F91** Words in s. 94(1)(b) substituted (E.W.N.I.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 6(3)(a)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(3)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F92** S. 94(1)(c) and word repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 98(2)(d), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(dd)
- F93** S. 94(1)(ba) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(2)(b)**
- F94** S. 94(1)(bb) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(3)**
- F95** S. 94(1)(bc) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(4)**
- F96** Words in s. 94(2)(a) repealed (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F97** Words in s. 94(2)(d) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F98** S. 94(2)(da)-(dd) inserted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(4)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F99** Words in s. 94(2)(db) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 147**; S.I. 2007/1442, art. 2(1)
- F100** S. 94 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 5 para. 4**; S.I. 2004/1572, art. 3(jjj)
- F101** S. 94(2)(de) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(5)**
- F102** S. 94(2)(e) substituted for s. 94(2)(e)(ea) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 98(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F103** Words in s. 94(2)(e) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 57**; S.I. 2013/1682, art. 3(v)
- F104** Words in s. 94(2)(f) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 12 para. 2**; S.I. 2008/219, art. 2(b)
- F105** S. 94(2)(fa) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 3** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F106** S. 94(2)(fb) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(6)**
- F107** S. 94(2)(fc) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(7)**
- F108** S. 94(2)(fd) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(8)**
- F109** S. 94(2)(g) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), **ss. 200(3)**, 279; S.I. 2003/1397, art. 2(1), Sch.
- F110** Words in s. 94(2)(g) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 117** (with art. 3)
- F111** S. 94(2)(ga) inserted (E.W.N.I.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 6(3)(b)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(3)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F112** S. 94(2)(h) repealed (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- F113** S. 94(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 98(4), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(dd)
- F114** S. 94(4)(a) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), **Sch. 14 para. 34**
- F115** S. 94(4)(aa) repealed (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F116** Words in s. 94(4) repealed (25.9.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F117** Word in s. 94(4) repealed (30.9.1998) by 1998 c. 37, s. 113(3), s. 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2**
- F118** S. 94(4)(ba) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(9)**
- F119** S. 94(4)(bb) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(10)**
- F120** S. 94(4)(bc) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(11)**
- F121** S. 94(4)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 98(4), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(dd)
- F122** S. 94(4A) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(12)**
- F123** S. 94(4B) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(13)**
- F124** S. 94(4C) inserted (29.4.2021 for specified purposes) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 12(14)**
- F125** S. 94(5)-(7) repealed (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Modifications etc. (not altering text)

- C5** S. 94 applied (*prosp.*) by 2000 c. 23, ss. 49, 83(2), **Sch. 2 para. 2(7)** (with s. 82(3))
- C6** S. 94 applied (1.10.2007) by Regulation of Investigatory Powers Act 2000 (c. 23), s. 83(2), **Sch. 2 para. 2(7)** (with s. 82(3)); S.I. 2007/2196, art. 2(a)

Marginal Citations

- M4** 1839 c. xciv.

95 Authorisations: form and duration etc.

- (1) An authorisation shall be in writing, except that in an urgent case an authorisation (other than one given by virtue of section 94) may be given orally.
- (2) An authorisation shall, unless renewed under subsection (3), cease to have effect—
 - (a) if given orally or by virtue of section 94, at the end of the period of 72 hours beginning with the time when it took effect;
 - (b) in any other case, at the end of the period of three months beginning with the day on which it took effect.
- (3) If at any time before an authorisation would cease to have effect the authorising officer who gave the authorisation, or in whose absence it was given, considers it necessary for the authorisation to continue to have effect for the purpose for which it was issued, he may, in writing, renew it for a period of three months beginning with the day on which it would cease to have effect.

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (4) A person shall cancel an authorisation given by him if satisfied that ^{F126}the authorisation is one in relation to which the requirements of paragraphs (a) and (b) of section 93(2) are no longer satisfied.]
- (5) An authorising officer shall cancel an authorisation given in his absence if satisfied that ^{F126}the authorisation is one in relation to which the requirements of paragraphs (a) and (b) of section 93(2) are no longer satisfied].
- (6) If the authorising officer who gave the authorisation is within paragraph (b) ^{F127}[^{F128}, (d), (e)]^{F129} or (f)] of section 93(5), the power conferred on that person by subsections (3) and (4) above shall also be exercisable by each of the other persons within the paragraph concerned.
- (7) Nothing in this section shall prevent a designated deputy from exercising the powers conferred on an authorising officer within paragraph (a) ^{F130}, (c) ^{F131}or (d) ^{F130} or (c)] of section 93(5) by subsections (3), (4) and (5) above.

Textual Amendments

- F126** Words in s. 95(4)(5) substituted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(6)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F127** Words in s. 95(6) substituted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(6)(b)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F128** Words in s. 95(6) substituted (E.W.N.I) (1.4.2013) by virtue of **The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013** (S.I. 2013/602), art. 1(2), **Sch. 1 para. 6(4)**; and (S.) (1.4.2013) by virtue of **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **sch. 7 para. 14(4)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F129** Words in s. 95(6) substituted (1.4.2006) by **Serious Organised Crime and Police Act 2005** (c. 15), s. 178(8), **Sch. 4 para. 99(2)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F130** Words in s. 95(7) substituted (S.) (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **sch. 7 para. 14(4)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F131** Words in s. 95(7) substituted (1.4.2006) by **Serious Organised Crime and Police Act 2005** (c. 15), s. 178(8), **Sch. 4 para. 99(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10

96 Notification of authorisations etc.

- (1) Where a person gives, renews or cancels an authorisation, he shall, as soon as is reasonably practicable and in accordance with arrangements made by the ^{F132}[Investigatory Powers Commissioner], give notice in writing that he has done so to ^{F133}a Judicial Commissioner].
- (2) Subject to subsection (3), a notice under this section shall specify such matters as the Secretary of State may by order prescribe.
- (3) A notice under this section of the giving or renewal of an authorisation shall specify—
 - (a) whether section 97 applies to the authorisation or renewal, and
 - (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.
- (4) Where a notice is given to ^{F134}[a Judicial Commissioner] under this section, he shall, as soon as is reasonably practicable, scrutinise the notice.

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (5) An order under subsection (2) shall be made by statutory instrument.
- (6) A statutory instrument which contains an order under subsection (2) shall not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

- F132** Words in s. 96(1) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), ss. 233(2)(a), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F133** Words in s. 96(1) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), ss. 233(2)(b), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F134** Words in s. 96(4) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), ss. 233(2)(c), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)

Modifications etc. (not altering text)

- C7** S. 96 excluded (26.9.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), Sch. 8 para. 24(1)(a) (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 3(g)(ii)

Commencement Information

- II** S. 96 wholly in force at 22.2.1999; s. 96 not in force at Royal Assent see s. 135; s. 96 in force for certain purposes at 1.9.1997 by S.I. 1997/1930, art. 2(with art. 2(3)); s. 96 in force at 22.2.1999 insofar as not already in force by S.I. 1999/151, art. 2

Authorisations requiring approval

97 Authorisations requiring approval.

- (1) An authorisation to which this section applies shall not take effect until—
 - (a) it has been approved in accordance with this section by [^{F135}a Judicial Commissioner], and
 - (b) the person who gave the authorisation has been notified under subsection (4).
- (2) Subject to subsection (3), this section applies to an authorisation if, at the time it is given, the person who gives it believes—
 - (a) that any of the property specified in the authorisation—
 - (i) is used wholly or mainly as a dwelling or as a bedroom in a hotel, or
 - (ii) constitutes office premises, or
 - (b) that the action authorised by it is likely to result in any person acquiring knowledge of—
 - (i) matters subject to legal privilege,
 - (ii) confidential personal information, or
 - (iii) confidential journalistic material.
- (3) This section does not apply to an authorisation where the person who gives it believes that the case is one of urgency.
- (4) Where [^{F136}a Judicial Commissioner] receives a notice under section 96 which specifies that this section applies to the authorisation, he shall as soon as is reasonably practicable—

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (a) decide whether to approve the authorisation or refuse approval, and
 - (b) give written notice of his decision to the person who gave the authorisation.
- (5) [^{F137}A Judicial Commissioner] shall approve an authorisation if, and only if, he is satisfied that there are reasonable grounds for believing the matters specified in section 93(2).
- (6) Where [^{F138}a Judicial Commissioner] refuses to approve an authorisation, he shall, as soon as is reasonably practicable, make a report of his findings to the authorising officer who gave it or in whose absence it was given ^{F139}....
- [^{F140}(6A) The reference in subsection (6) to the authorising officer who gave the authorisation or in whose absence it was given shall be construed, in the case of an authorisation given by or in the absence of a person within paragraph (b) [^{F141}or (e)] of section 93(5), as a reference to the Commissioner of Police [^{F142}or, as the case may be, Chief Constable] mentioned in the paragraph concerned.]
- [^{F143}(6B) The reference in subsection (6) to the authorising officer who gave the authorisation or in whose absence it was given shall be construed—
- (a) in the case of an authorisation given by a person within paragraph (f) of section 93(5), as a reference to that person, and
 - (b) in the case of an authorisation given in the absence of such a person, as a reference to a [^{F144}National Crime Agency officer] who is designated for the purposes of this section by the Director General of that Agency.]
- (7) This section shall apply in relation to a renewal of an authorisation as it applies in relation to an authorisation (the references in subsection (2)(a) and (b) to the authorisation being construed as references to the authorisation renewed).
- (8) In this section—
- “office premises” has the meaning given in section 1(2) of the ^{M5}Offices, Shops and Railway Premises Act 1963;
 - “hotel” means premises used for the reception of guests who desire to sleep in the premises.

Textual Amendments

- F135** Words in s. 97(1)(a) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), ss. 233(2)(b), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F136** Words in s. 97(4) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), ss. 233(2)(c), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F137** Words in s. 97(5) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), ss. 233(2)(h), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F138** Words in s. 97(6) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), ss. 233(2)(c), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F139** Words in s. 97(6) repealed (25.9.2000) by 2000 c. 23, s. 82(1)(2), Sch. 4 para. 8(7), Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 2
- F140** S. 97(6A) inserted (25.9.2000) by 2000 c. 23, s. 82(1), Sch. 4 para. 82(3); S.I. 2000/2543, art. 2
- F141** Words in s. 97(6A) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 100(2)(a); S.I. 2006/378, art. 4(1), Sch. para. 10
- F142** Words in s. 97(6A) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 100(2)(b); S.I. 2006/378, art. 4(1), Sch. para. 10
- F143** S. 97(6B) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 100(3); S.I. 2006/378, art. 4(1), Sch. para. 10

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

F144 Words in s. 97(6B)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\)](#), [Sch. 8 para. 58](#); S.I. 2013/1682, art. 3(v)

Modifications etc. (not altering text)

C8 S. 97 excluded (26.9.2018) by [Investigatory Powers Act 2016 \(c. 25\), s. 272\(1\)](#), [Sch. 8 para. 24\(1\)\(b\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/940, reg. 3(g)(ii)

Marginal Citations

M5 [1963 c. 41](#).

98 Matters subject to legal privilege.

- (1) Subject to subsection (5) below, in section 97 “matters subject to legal privilege” means matters to which subsection (2), (3) or (4) below applies.
- (2) This subsection applies to communications between a professional legal adviser and—
 - (a) his client, or
 - (b) any person representing his client,which are made in connection with the giving of legal advice to the client.
- (3) This subsection applies to communications—
 - (a) between a professional legal adviser and his client or any person representing his client, or
 - (b) between a professional legal adviser or his client or any such representative and any other person,which are made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
- (4) This subsection applies to items enclosed with or referred to in communications of the kind mentioned in subsection (2) or (3) and made—
 - (a) in connection with the giving of legal advice, or
 - (b) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
- (5) For the purposes of section 97—
 - (a) communications and items are not matters subject to legal privilege when they are in the possession of a person who is not entitled to possession of them, and
 - (b) communications and items held, or oral communications made, with the intention of furthering a criminal purpose are not matters subject to legal privilege.

99 Confidential personal information.

- (1) In section 97 “confidential personal information” means—
 - (a) personal information which a person has acquired or created in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office, and which he holds in confidence, and
 - (b) communications as a result of which personal information—
 - (i) is acquired or created as mentioned in paragraph (a), and
 - (ii) is held in confidence.

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (2) For the purposes of this section “personal information” means information concerning an individual (whether living or dead) who can be identified from it and relating—
 - (a) to his physical or mental health, or
 - (b) to spiritual counselling or assistance given or to be given to him.
- (3) A person holds information in confidence for the purposes of this section if he holds it subject—
 - (a) to an express or implied undertaking to hold it in confidence, or
 - (b) to a restriction on disclosure or an obligation of secrecy contained in any enactment (including an enactment contained in an Act passed after this Act).

100 Confidential journalistic material.

- (1) In section 97 “confidential journalistic material” means—
 - (a) material acquired or created for the purposes of journalism which—
 - (i) is in the possession of persons who acquired or created it for those purposes,
 - (ii) is held subject to an undertaking, restriction or obligation of the kind mentioned in section 99(3), and
 - (iii) has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism, and
 - (b) communications as a result of which information is acquired for the purposes of journalism and held as mentioned in paragraph (a)(ii).
- (2) For the purposes of subsection (1), a person who receives material, or acquires information, from someone who intends that the recipient shall use it for the purposes of journalism is to be taken to have acquired it for those purposes.

Code of Practice

^{F145}**101**

Textual Amendments
F145 S. 101 repealed (25.9.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**

Complaints etc.

^{F146}**102**

Textual Amendments
F146 S. 102 repealed (25.9.2000) by 2000 c. 23, ss. 70(2)(c), 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2** (and by art. 6(1) of that S.I. the repeal is expressed to be brought into force on 2.10.2000 subject to the provisions of art. 6(2)-(5))

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

103 Quashing of authorisations etc.

- (1) Where, at any time, [^{F147}a Judicial Commissioner] is satisfied that, at the time an authorisation was given or renewed, there were no reasonable grounds for believing the matters specified in section 93(2), he may quash the authorisation or, as the case may be, renewal.
- (2) Where, in the case of an authorisation or renewal to which section 97 does not apply, [^{F148}a Judicial Commissioner] is at any time satisfied that, at the time the authorisation was given or, as the case may be, renewed,—
 - (a) there were reasonable grounds for believing any of the matters specified in subsection (2) of section 97, and
 - (b) there were no reasonable grounds for believing the case to be one of urgency for the purposes of subsection (3) of that section,he may quash the authorisation or, as the case may be, renewal.
- (3) Where [^{F149}a Judicial Commissioner] quashes an authorisation or renewal under subsection (1) or (2), he may order the destruction of any records relating to information obtained by virtue of the authorisation (or, in the case of a renewal, relating wholly or partly to information so obtained after the renewal) other than records required for pending criminal or civil proceedings.
- (4) If [^{F150}a Judicial Commissioner] is satisfied that, at any time after an authorisation was given or, in the case of an authorisation renewed under section 95, after it was renewed, there were no reasonable grounds for believing the matters specified in section 93(2), he may cancel the authorisation.
- (5) Where—
 - (a) an authorisation has ceased to have effect (otherwise than by virtue of subsection (1) or (2)), and
 - (b) [^{F151}a Judicial Commissioner] is satisfied that, at any time during the period of the authorisation, there were no reasonable grounds for believing the matters specified in section 93(2),he may order the destruction of any records relating, wholly or partly, to information which was obtained by virtue of the authorisation after that time (other than records required for pending criminal or civil proceedings).
- (6) Where [^{F152}a Judicial Commissioner] exercises his powers under subsection (1), (2) or (4), he shall, if he is satisfied that there are reasonable grounds for doing so, order that the authorisation shall be effective, for such period as he shall specify, so far as it authorises the taking of action to retrieve anything left on property in accordance with the authorisation.
- (7) Where [^{F153}a Judicial Commissioner (other than the Investigatory Powers Commissioner)] exercises a power conferred by this section, he shall, as soon as is reasonably practicable, make a report of his findings—
 - (a) to the authorising officer who gave the authorisation or in whose absence it was given, and
 - (b) to the [^{F154}Investigatory Powers Commissioner];[^{F155}and subsection (6A) of section 97 shall apply for the purposes of this subsection as it applies for the purposes of subsection (6) of that section.]
- (8) Where—

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (a) a decision is made under subsection (1) or (2) and an order for the destruction of records is made under subsection (3), or
- (b) a decision to order the destruction of records is made under subsection (5), the order shall not become operative until [^{F156}any period] for appealing against the decision has expired and, where an appeal is made, a decision dismissing it has been made by the [^{F157}Investigatory Powers Commissioner].
- (9) [^{F158}A Judicial Commissioner] may exercise any of the powers conferred by this section notwithstanding any approval given under section 97.

Textual Amendments

- F147** Words in s. 103(1) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(b), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F148** Words in s. 103(2) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(b), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F149** Words in s. 103(3) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(c), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F150** Words in s. 103(4) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(b), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F151** Words in s. 103(5)(b) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(b), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F152** Words in s. 103(6) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(c), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F153** Words in s. 103(7) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(d), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F154** Words in s. 103(7)(b) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(a), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F155** Words in s. 103(7) substituted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(8)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F156** Words in s. 103(8) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 72** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(j)
- F157** Words in s. 103(8) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(a), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)
- F158** Words in s. 103(9) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(h), 272(1)** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)

Modifications etc. (not altering text)

- C9** S. 103(1)(2) excluded (26.9.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 8 para. 24(1)(c)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 3(g)(ii)
- C10** S. 103(4) excluded (26.9.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 8 para. 24(1)(e)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 3(g)(ii)
- C11** S. 103(6) applied (26.9.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 8 para. 24(2)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 3(g)(ii)

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

Appeals

104 Appeals by authorising officers.

- (1) An authorising officer who gives an authorisation, or in whose absence it is given, may, within the prescribed period, appeal to the ^{F159}Investigatory Powers Commissioner (except where the original decision was made by that Commissioner)] against—
 - (a) any refusal to approve the authorisation or any renewal of it under section 97;
 - (b) any decision to quash the authorisation, or any renewal of it, under subsection (1) of section 103;
 - (c) any decision to quash the authorisation, or any renewal of it, under subsection (2) of that section;
 - (d) any decision to cancel the authorisation under subsection (4) of that section;
 - (e) any decision to order the destruction of records under subsection (5) of that section;
 - (f) any refusal to make an order under subsection (6) of that section;
 - ^{F160}(g)
- (2) In subsection (1), “the prescribed period” means the period of seven days beginning with the day on which the refusal, decision or, as the case may be, determination appealed against is reported to the authorising officer.
- (3) In determining an appeal within subsection (1)(a), the ^{F161}Investigatory Powers Commissioner] shall, if he is satisfied that there are reasonable grounds for believing the matters specified in section 93(2), allow the appeal and direct ^{F162}the Judicial Commissioner concerned] to approve the authorisation or renewal under that section.
- (4) In determining—
 - (a) an appeal within subsection (1)(b), ^{F163} . . .
 - (b)the ^{F161}Investigatory Powers Commissioner] shall allow the appeal unless he is satisfied that, at the time the authorisation was given or, as the case may be, renewed there were no reasonable grounds for believing the matters specified in section 93(2).
- (5) In determining—
 - (a) an appeal within subsection (1)(c), ^{F163} . . .
 - (b)the ^{F161}Investigatory Powers Commissioner] shall allow the appeal unless he is satisfied as mentioned in section 103(2).
- (6) In determining—
 - (a) an appeal within subsection (1)(d) or (e), ^{F163} . . .
 - (b)the ^{F161}Investigatory Powers Commissioner] shall allow the appeal unless he is satisfied that at the time to which the decision relates there were no reasonable grounds for believing the matters specified in section 93(2).
- (7) In determining an appeal within subsection (1)(f), the ^{F161}Investigatory Powers Commissioner] shall allow the appeal and order that the authorisation shall be effective to the extent mentioned in section 103(6), for such period as he shall specify, if he is satisfied that there are reasonable grounds for making such an order.

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

- (8) Where an appeal is allowed under this section, the [F161Investigatory Powers Commissioner] shall—
- (a) in the case of an appeal within subsection (1)(b) or (c), also quash any order made by [F164the Judicial Commissioner concerned] to destroy records relating to information obtained by virtue of the authorisation concerned, F165 . . .
 - (b)

Textual Amendments

F159 Words in s. 104(1) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(e)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)

F160 S. 104(1)(g) repealed (25.9.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**

F161 Words in s. 104(3)-(8) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(a)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)

F162 Words in s. 104(3) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(f)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)

F163 S. 104(4)(b)(5)(b)(6)(b) and the word “or” immediately preceding them repealed (25.9.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**

F164 Words in s. 104(8)(a) substituted (1.9.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 233(2)(f)**, 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(e)

F165 S. 104(8)(b) and the word “and” immediately preceding it repealed (25.9.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**

Modifications etc. (not altering text)

C12 S. 104 excluded (26.9.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 8 para. 24(1)(d)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 3(g)(ii)

105 Appeals by authorising officers: supplementary.

- (1) Where the [F166Investigatory Powers Commissioner] determines an appeal under section 104—
- (a) he shall give notice of his determination—
 - (i) to the authorising officer concerned, [F167and]
 - (ii) to [F168the Judicial Commissioner] against whose refusal, decision or determination the appeal was made, F169 . . .
 - (iii)
 - (b) if he dismisses the appeal, he shall make a report of his findings—
 - (i) to the authorising officer concerned,
 - (ii) to [F170the Judicial Commissioner] against whose refusal, decision or determination the appeal was made, and
 - (iii) F171 ... to the Prime Minister [and the Scottish Ministers].
- (2) Subject to subsection (1)(b), the [F166Investigatory Powers Commissioner] shall not give any reasons for a determination under section 104.
- (3) Nothing in section 104 shall prevent a designated deputy from exercising the powers conferred by subsection (1) of that section on an authorising officer within paragraph (a) [F172or (c)] of section 93(5).

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

Textual Amendments

- F166** Words in s. 105(1)(2) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\), ss. 233\(2\)\(a\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/859, reg. 2\(e\)](#)
- F167** Word in s. 105(1)(a)(i) inserted (25.9.2000) by [2000 c. 23, s. 82\(1\), Sch. 4 para. 8\(9\)](#) (with s. 82(3)); [S.I. 2000/2543, art. 2](#)
- F168** Words in s. 105(1)(a)(ii) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\), ss. 233\(2\)\(g\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/859, reg. 2\(e\)](#)
- F169** S. 105(1)(a)(iii) and the word “and” immediately preceding it repealed (25.9.2000) by [2000 c. 23, s. 82\(1\)\(2\), Sch. 4 para. 8\(9\), Sch. 5](#) (with s. 82(3)); [S.I. 2000/2543, art. 2](#)
- F170** Words in s. 105(1)(b)(ii) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\), ss. 233\(2\)\(g\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/859, reg. 2\(e\)](#)
- F171** Words in s. 105(1)(b)(iii) omitted (1.9.2017) by virtue of [Investigatory Powers Act 2016 \(c. 25\), s. 272\(1\), Sch. 10 para. 73](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/859, reg. 2\(j\)](#)
- F172** Words in s. 105(3) substituted (E.W.N.I.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\), art. 1\(2\), Sch. 1 para. 6\(5\)](#); and (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\), s. 129\(2\), sch. 7 para. 14\(5\)](#); [S.S.I. 2013/51, art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))

Modifications etc. (not altering text)

- C13** Words in s. 105(1)(b)(iii) inserted (1.7.1999) by [S.I. 1999/1747, arts. 1, 3, Sch. 6 Pt. II para. 2\(3\)](#); [S.I. 1998/3178, art. 3](#)

^{F173}**106**

Textual Amendments

- F173** S. 106 repealed (25.9.2000) by [2000 c. 23, s. 82\(2\), Sch. 5](#) (with s. 82(3)); [S.I. 2000/2543, art. 2](#)

General

^{F174}**107** **Supplementary provisions relating to Commissioners.**

.....

Textual Amendments

- F174** S. 107 repealed (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\), ss. 240\(2\)\(c\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/859, reg. 2\(i\)](#) (with regs. 6-11)

108 Interpretation of Part III.

(1) In this Part—

[^{F175}“Assistant Commissioner of Police of the Metropolis” includes the Deputy Commissioner of Police of the Metropolis;]

“authorisation” means an authorisation under section 93;

“authorising officer” has the meaning given by section 93(5);

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

“criminal proceedings” includes [^{F176}proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006;]

^{F177} ...

“designated deputy” has the meaning given in section 94(4);

[^{F178}“the Investigatory Powers Commissioner” and “Judicial Commissioner” have the same meanings as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);]

“United Kingdom waters” has the meaning given in section 30(5) of the ^{M6}Police Act 1996; and

“wireless telegraphy” has the same meaning as in [^{F179}the Wireless Telegraphy Act 2006] and, in relation to wireless telegraphy, “interfere” has the same meaning as in that Act.

[^{F180}(1A) A reference in this Part to a staff officer of the Police Investigations and Review Commissioner is to any person who—

- (a) is a member of the Commissioner's staff appointed under paragraph 7A of schedule 4 to the Police, Public Order and Criminal Justice (Scotland) Act 2006, or
- (b) is a member of the Commissioner's staff appointed under paragraph 7 of that schedule to whom paragraph 7B(2) of that schedule applies.]

(2) Where, under this Part, notice of any matter is required to be given in writing, the notice may be transmitted by electronic means.

(3) For the purposes of this Part, an authorisation (or renewal) given—

- (a) by the designated deputy of an authorising officer, or
- (b) by a person on whom an authorising officer’s powers are conferred by section 94,

shall be treated as an authorisation (or renewal) given in the absence of the authorising officer concerned; and references to the authorising officer in whose absence an authorisation (or renewal) was given shall be construed accordingly.

Textual Amendments

F175 In s. 108(1) definition of "Assistant Commissioner of Police of the Metropolis" inserted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(12)** (with s. 82(3)); S.I. 2000/2543, **art. 2**

F176 Words in s. 108(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006** (c. 52), s. 383(2), **Sch. 16 para. 148**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F177 Words in s. 108(1) repealed (15.2.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), Sch. 12 para. 4, **Sch. 14**; S.I. 2008/219, art. 2(b)(d)(i)

F178 Words in s. 108(1) inserted (1.9.2017) by **Investigatory Powers Act 2016** (c. 25), s. 272(1), **Sch. 10 para. 74** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(j)

F179 Words in s. 108(1) substituted (8.2.2007) by **Wireless Telegraphy Act 2006** (c. 36), s. 126(2), **Sch. 7 para. 19**

F180 S. 108(1A) inserted (S.) (1.7.2016) by **Criminal Justice (Scotland) Act 2016** (asp 1), **ss. 112, 117(2)**; S.S.I. 2016/199, art. 2

Status: Point in time view as at 29/04/2021.

Changes to legislation: Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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)

Modifications etc. (not altering text)

C14 S. 108(1) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 41**

Marginal Citations

M6 1996 c. 16.

Status:

Point in time view as at 29/04/2021.

Changes to legislation:

Police Act 1997, Part III is up to date with all changes known to be in force on or before 14 April 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.