



Police Act 1997

1997 CHAPTER 50

PART III

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

Complaints etc.

103 Quashing of authorisations etc.

- (1) Where, at any time, [^{F1}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, [^{F2}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 [^{F3}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 [^{F4}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.

Changes to legislation: Police Act 1997, Section 103 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

(5) Where—

- (a) an authorisation has ceased to have effect (otherwise than by virtue of subsection (1) or (2)), and
- (b) [^{F5}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 [^{F6}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 [^{F7}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 [^{F8}Investigatory Powers Commissioner];

[^{F9}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—

- (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 [^{F10}any period] for appealing against the decision has expired and, where an appeal is made, a decision dismissing it has been made by the [^{F11}Investigatory Powers Commissioner].

(9) [^{F12}A Judicial Commissioner] may exercise any of the powers conferred by this section notwithstanding any approval given under section 97.

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)

Changes to legislation: Police Act 1997, Section 103 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- F7** 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)
- F8** 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)
- F9** 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**
- F10** 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)
- F11** 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)
- F12** 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)

- C1** 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)
- C2** S. 103(4) 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)
- C3** 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)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 112(2A) inserted by [2011 c. 24 \(N.I.\) s. 101](#)
- s. 112(2A) inserted by [2009 c. 26 s. 93](#) (This amendment not applied to [legislation.gov.uk](#). S. 93 repealed (10.9.2012) without ever being in force by 2012 c. 9, ss. 79(1), 120, Sch. 10 Pt. 6; S.I. 2012/2234, art. 2(cc))
- s. 113(3)(e) words inserted by [S.S.I. 2006/50 art. 2\(2\)](#)
- s. 113(3G) inserted by [2002 c. 32 Sch. 12 para. 14](#)
- s. 113(3G) inserted by 2002 c. 32, Sch. 12 para. 14 (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 113(3EA)(3EB) inserted by [S.I. 2003/417 \(N.I.\) art. 17\(4\)](#)
- s. 113(3EC)(3ED) inserted by [S.I. 2003/417 \(N.I.\) art. 47\(3\)](#)
- s. 113(4A) inserted by [2003 c. 44 Sch. 35 para. 3\(3\)](#)
- s. 113(4A) insertion by 2003 c. 44, Sch. 35 para. 3(3) extended to N.I. by [2005 c. 15 s. 167\(a\)](#)
- s. 113A(6A)-(6C) inserted by [2011 asp 1 s. 188\(b\)](#)
- s. 115(5)(ec) inserted by [2002 c. 32 Sch. 12 para. 15\(2\)](#)
- s. 115(5)(ec) inserted by 2002 c. 32, Sch. 12 para. 15(2) (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 115(5)(ga) inserted by [2001 c. 12 s. 21](#) (Amendment not applied to [legislation.gov.uk](#). S. 21 repealed (6.4.2006 for E.W.) by 2003 c. 44, Sch. 37 Pt. 11; S.I. 2006/751, art. 2(d))
- s. 115(6BB) inserted by [2002 c. 32 Sch. 12 para. 15\(3\)](#)
- s. 115(6BB) inserted by 2002 c. 32, Sch. 12 para. 15(3) (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 115(6EA) inserted by [S.I. 2003/417 \(N.I.\) art. 17\(5\)](#)
- s. 115(6EB) inserted by [S.I. 2003/417 \(N.I.\) art. 47\(4\)](#)
- s. 115(9A)(9B) inserted by [2003 c. 44 Sch. 35 para. 4\(5\)](#)
- s. 115(9A)(9B) insertion by 2003 c. 44, Sch. 35 para. 4(5) extended to N.I. by [2005 c. 15 s. 167\(a\)](#)
- s. 118(2ZA) inserted by [2009 c. 26 s. 95](#)
- s. 118(2ZA) words substituted by [S.I. 2012/3006 art. 37\(j\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 118(2ZA) by 2009 c. 26, s. 95 is still prospective)
- s. 121(a) inserted by [2006 asp 10 s. 3\(8\)\(a\)](#)
- Sch. 8A para. 34G inserted by [S.I. 2024/374 Sch. 5 para. 3](#)
- Sch. 8B para. 102(ea) inserted by [2023 c. 47 s. 3\(2\)](#)