



Police Act 1997

1997 CHAPTER 50

PART III

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

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 Chief 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;
 - (g) any determination in favour of a complainant under Schedule 7.
- (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 Chief 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 the Commissioner to approve the authorisation or renewal under that section.
- (4) In determining—
 - (a) an appeal within subsection (1)(b), or

Status: Point in time view as at 31/08/2000. This version of this provision has been superseded.

Changes to legislation: Police Act 1997, Section 104 is up to date with all changes known to be in force on or before 04 June 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)

- (b) an appeal within subsection (1)(g), in a case where paragraph 2(2) of Schedule 7 applies,

the Chief 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), or
(b) an appeal within subsection (1)(g), in a case where paragraph 2(3) of Schedule 7 applies,

the Chief 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), or
(b) an appeal within subsection (1)(g), in a case where paragraph 2(4) of Schedule 7 applies,

the Chief 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 Chief 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.

- (8) Where an appeal is allowed under this section, the Chief Commissioner shall—

- (a) in the case of an appeal within subsection (1)(b) or (c), also quash any order made by the Commissioner to destroy records relating to information obtained by virtue of the authorisation concerned, and
(b) in the case of an appeal within subsection (1)(g), also quash any direction to pay compensation to the complainant.

Status:

Point in time view as at 31/08/2000. This version of this provision has been superseded.

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