



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 2

#### PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

### CHAPTER 3

#### EXTRACTION OF INFORMATION FROM ELECTRONIC DEVICES

#### 44 Authorised persons

- (1) Subject to subsections (2) and (3), in this Chapter “authorised person” means a person listed in Schedule 3.
- (2) The power in subsection (1) of section 37 may be exercised for a purpose mentioned in subsection (2)(b) or (c) of that section only by a person listed in Part 1 or 2 of Schedule 3.
- (3) The power in section 41(1) may be exercised only by a person listed in Part 1 of Schedule 3.
- (4) The Secretary of State may by regulations made by statutory instrument amend Schedule 3—
  - (a) so as to add a reference to a person;
  - (b) so as to remove a reference to a person;
  - (c) so as to modify a description of a person mentioned in that Schedule.
- (5) Regulations under subsection (4) may contain transitional, transitory or saving provision.
- (6) The Secretary of State must consult the Scottish Ministers before making regulations under subsection (4) if and so far as the regulations make provision that would be

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*Status: This is the original version (as it was originally enacted).*

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within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

- (7) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under subsection (4) if and so far as the regulations make provision that, if it were contained in an Act of the Northern Ireland Assembly—
- (a) would be within the legislative competence of that Assembly, and
  - (b) would not require the consent of the Secretary of State.
- (8) Subject to subsection (9), a statutory instrument containing regulations under subsection (4)(a) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (9) Subsection (8) does not apply to a statutory instrument containing regulations which—
- (a) remove a reference to a person from Part 1 of Schedule 3 and add a reference to that person to Part 2 or 3 of that Schedule, or
  - (b) remove a reference to a person from Part 2 of that Schedule and add a reference to that person to Part 3 of that Schedule.
- (10) A statutory instrument containing—
- (a) regulations under subsection (4)(a) to which subsection (9) applies, or
  - (b) regulations under subsection (4)(b) or (c),
- and which is not a statutory instrument to which subsection (8) applies is subject to annulment in pursuance of a resolution of either House of Parliament.