

Status: Point in time view as at 01/04/2013.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, Cross Heading: Police Act 1997 (c.50) is up to date with all changes known to be in force on or before 08 September 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)

SCHEDULE 7 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO PART 1

Police Act 1997 (c.50)

- 14 (1) The Police Act 1997 is amended as follows.
- (2) In section 93 (authorisations to deal with property etc.)—
- (a) in subsection (3)—
- (i) after paragraph (za) insert—
- “(zb) if the authorising officer is within subsection (5)(d), by a constable of the Police Service of Scotland;”,
- (ii) in paragraph (a), for “(5)(d) to” substitute “ (5)(e), ”,
- (iii) after paragraph (e) insert—
- “(ea) if the authorising officer is within subsection (5) (ia), by a staff officer of the Police Investigations and Review Commissioner.”,
- (b) after subsection (3A) insert—
- “(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.”,
- (c) in subsection (5)—
- (i) for paragraph (d) substitute—
- “(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;”,
- (ii) after paragraph (i) insert—
- “(ia) the Police Investigations and Review Commissioner.”,
- (d) in subsection (6)(b), for the words from “of” to “maintained” substitute “ or (ia) of subsection (5), means Scotland ”.
- (3) In section 94 (authorisations given in absence of authorising officer)—
- (a) in subsection (1)(b), for “, (c) or (d)” substitute “ or (c) ”,
- (b) in subsection (2), after paragraph (g) insert—
- “(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.”.
- (4) In section 95 (authorisations: form and duration etc.)—
- (a) in subsection (6), for “or (e),” substitute “ , (d), (e) ”,

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- (b) in subsection (7), for “, (c), (d) or (j)” substitute “ or (c) ”.
- (5) In section 105(3) (appeals), for “, (c) or (d)” substitute “ or (c) ”.
- (6) In section 107(4) (supplementary provisions)—
 - (a) in paragraph (a), for “police authority” substitute “ the Scottish Police Authority ”,
 - (b) after paragraph (b) insert—
 - “(bza) the functions of the Police Investigations and Review Commissioner under section 33A(b)(i) of the Police, Public Order and Criminal Justice (Scotland) Act 2006,”.
- (7) In section 120A(4) (refusal and cancellation of registration), for “A chief constable of a police force in Scotland” substitute “ The chief constable of the Police Service of Scotland ”.
- (8) In section 126 (interpretation of Part 5)—
 - (a) in the definition of “chief officer”, for sub-paragraph (ii) substitute—
 - “(ii) the chief constable of the Police Service of Scotland, and”,
 - (b) in the definition of “police authority”, for sub-paragraph (i) substitute—
 - “(i) the Scottish Police Authority, and”.

Commencement Information

II Sch. 7 para. 14 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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