

Status: Point in time view as at 22/02/1999.

Changes to legislation: Police Act 1997, SCHEDULE 7 is up to date with all changes known to be in force on or before 29 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)

SCHEDULES

SCHEDULE 7

Section 102(4).

INVESTIGATION OF COMPLAINTS BY COMMISSIONERS ETC

Investigation

- 1 Where a Commissioner appointed under section 91(1)(b) is required by virtue of section 102 to investigate a complaint, he shall investigate whether an authorisation was given under section 93 in relation to the doing of the act or acts in question in relation to the property concerned (“a relevant authorisation”).
- 2
 - (1) In a case where the Commissioner determines that a relevant authorisation was given he shall, if sub-paragraph (2), (3) or (4) applies, make a determination in favour of the complainant.
 - (2) This sub-paragraph applies if the Commissioner is satisfied that there were, at the time the relevant authorisation was given or renewed, no reasonable grounds for believing the matters specified in section 93(2).
 - (3) This sub-paragraph applies where section 97 did not apply to the relevant authorisation or its renewal, but the Commissioner is satisfied as mentioned in section 103(2).
 - (4) This sub-paragraph applies if the Commissioner is satisfied that anything has been done in relation to any property of the complainant in pursuance of the relevant authorisation (other than by virtue of section 103(6) or section 104(7)) at a time when there were no reasonable grounds for believing the matters specified in section 93(2).

Report of conclusions

- 3
 - (1) If the Commissioner makes a determination in favour of the complainant under paragraph 2, he shall—
 - (a) give notice to the complainant that he has done so, and
 - (b) make a report of his findings to the authorising officer who gave the authorisation, or in whose absence it was given, and to the Chief Commissioner.
 - (2) In any other case, the Commissioner shall give notice to the complainant that no determination in his favour has been made on the complaint.
 - (3) Subject to sub-paragraph (1)(b), the Commissioner shall not give any reasons for the making of, or any refusal to make, a determination in favour of the complainant.

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- 4 Where—
- (a) the Chief Commissioner receives a report of the Commissioner’s findings under paragraph 3(1)(b), and
 - (b) no appeal is made against the determination in favour of the complainant, the Chief Commissioner shall, under section 107(2), make a report of those findings to the Prime Minister.

Remedies

- 5 (1) Where the Commissioner gives a complainant notice that a determination in his favour has been made on the complaint, he may (whether or not he has exercised, or intends to exercise, any of the powers under section 103) direct the authorising officer who gave the authorisation, or in whose absence it was given, to pay the complainant such sum by way of compensation as may be specified in the direction.
- (2) Where a direction to pay compensation has been made under sub-paragraph (1), it shall not become operative until—
- (a) the period for appealing against the determination in favour of the complainant has expired, and
 - (b) where such an appeal is made, a decision dismissing it has been made by the Chief Commissioner.
- 6 Any compensation which the Commissioner directs the authorising officer to pay under paragraph 5 shall be paid—
- (a) in the case of an authorising officer within paragraph (a), (b) or (c) of subsection (5) of section 93, out of the police fund,
 - (b) in the case of an authorising officer within paragraph (d) of that subsection, by the police authority or, as the case may be, the joint police board (within the meaning of the ^{M1}Police (Scotland) Act 1967),
 - (c) in the case of an authorising officer within paragraph (e) of that subsection, by the Police Authority for Northern Ireland,
 - (d) in the case of an authorising officer within paragraph (f) or (g) of that subsection, out of the appropriate service fund established under section 16 or 61, and
 - (e) in the case of an authorising officer within paragraph (h) of section 93(5), by the Commissioners of Customs and Excise.

Marginal Citations

M1 1967 c. 77.

Interpretation

- 7 The references in this Schedule to the authorising officer who gave the authorisation or in whose absence it was given shall, in the case of an authorisation given by or in the absence of a person within paragraph (b) or (e) of section 93(5), be construed as

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references to the Commissioner of Police or, as the case may be, the Chief Constable mentioned in the paragraph concerned.

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