



Police Act 1997

1997 CHAPTER 50

PART III U.K.

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

Authorisations

94 Authorisations given in absence of authorising officer. U.K.

- (1) Subsection (2) applies where it is not reasonably practicable for an authorising officer to consider an application for an authorisation under section 93 and—
- (a) if the authorising officer is within paragraph (b) [^{F1}, (e) or (f)] of section 93(5), it is also not reasonably practicable for the application to be considered by any of the other persons within the paragraph concerned; ^{F2} . . . [^{F3} or]
 - (b) if the authorising officer is within paragraph (a), [^{F4} or (c)] of section 93(5), it is also not reasonably practicable for the application to be considered by his designated deputy ^{F5} ...
 - ^{F5}(c)
- (2) Where this subsection applies, the powers conferred on the authorising officer by section 93 may, in an urgent case, be exercised—
- (a) where the authorising officer is within paragraph (a) [^{F6} or (d)] of subsection (5) of that section, by a person holding the rank of assistant chief constable in his force;
 - (b) where the authorising officer is within paragraph (b) of that subsection, by a person holding the rank of commander in the metropolitan police force;
 - (c) where the authorising officer is within paragraph (c) of that subsection, by a person holding the rank of commander in the City of London police force;
 - (d) where the authorising officer is within paragraph (e) of that subsection, by a person holding the rank of assistant chief constable in the [^{F7}Police Service of Northern Ireland];

Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.
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- [^{F8}(da) where the authorising officer is within paragraph (ea) of that subsection, by a person holding the rank of deputy or assistant chief constable in the Ministry of Defence Police;
- (db) where the authorising officer is within paragraph (eb) of that subsection, by a person holding the position of assistant Provost Marshal in the [^{F9}Royal Navy Police];
- (dc) where the authorising officer is within paragraph (ec) or (ed) of that subsection, by a person holding the position of deputy Provost Marshal in the Royal Military Police or, as the case may be, in the Royal Air Force Police;
- (dd) where the authorising officer is within paragraph (ee) of that subsection, by a person holding the rank of deputy or assistant chief constable in the ^{F10}British Transport Police;]
- [^{F11}(e) where the authorising officer is within paragraph (f) of that subsection, by a person designated for the purposes of this section by the Director General of the Serious Organised Crime Agency;]
- (f) where the authorising officer is within paragraph (h) of that subsection, [^{F12}by an officer of Revenue and Customs who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated by the Commissioners for Her Majesty's Revenue and Customs] for the purposes of this section.
- [^{F13}(g) where the authorising officer is within paragraph (i) of that subsection, by an officer of the Office of Fair Trading designated by it for the purposes of this section.]
- [^{F14}(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.]
- ^{F15}(h)

^{F16}(3)

(4) In subsection (1), “designated deputy”—

[^{F17}(a) in the case of an authorising officer within paragraph (a) of section 93(5), means—

- (i) the person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996, or
- (ii) the person holding the rank of assistant chief constable designated to act under section 12A(2) of that Act;]

^{F18}(aa)

(b) in the case of an authorising officer within paragraph (c) of section 93(5), means the person authorised to act ^{F19} . . . under section 25 of the ^{M1}City of London Police Act 1839; ^{F20} . . .

^{F21}(c)

(d)

^{F22}(5)

^{F22}(6)

^{F22}(7)

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Textual Amendments

- F1** Words in s. 94(1)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 98\(2\)\(a\)](#); S.I. 2006/378, art. 4(1), Sch. para. 10
- F2** Word at the end of s. 94(1)(a) repealed (25.9.2000) by [2000 c. 23](#), s. 82(2), [Sch. 5](#) (with s. 82(3)); S.I. 2000/2543, [art. 2](#)
- F3** Word in s. 94(1)(a) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 98\(2\)\(b\)](#); S.I. 2006/378, art. 4(1), Sch. para. 10
- F4** Words in s. 94(1)(b) substituted (E.W.N.I.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 1 para. 6\(3\)\(a\)](#); and (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 14\(3\)\(a\)](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F5** S. 94(1)(c) and word repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 98(2)(d), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(dd)
- F6** Words in s. 94(2)(a) repealed (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F7** Words in s. 94(2)(d) substituted (4.11.2001) by [2000 c. 32](#), s. 78(1), [Sch. 6 para. 20\(2\)\(b\)](#); S.R. 2001/396, [art. 2](#), [Sch.](#)
- F8** S. 94(2)(da)-(dd) inserted (25.9.2000) by [2000 c. 23](#), s. 82(1), [Sch. 4 para. 8\(4\)\(a\)](#) (with s. 82(3)); S.I. 2000/2543, [art. 2](#)
- F9** Words in s. 94(2)(db) substituted (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 147](#); S.I. 2007/1442, [art. 2\(1\)](#)
- F10** S. 94 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, [art. 3\(jjj\)](#)
- F11** S. 94(2)(e) substituted for s. 94(2)(e)(ea) (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 98\(3\)](#); S.I. 2006/378, art. 4(1), Sch. para. 10
- F12** Words in s. 94(2)(f) substituted (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 12 para. 2](#); S.I. 2008/219, [art. 2\(b\)](#)
- F13** S. 94(2)(g) inserted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), [ss. 200\(3\)](#), 279; S.I. 2003/1397, [art. 2\(1\)](#), [Sch.](#)
- F14** S. 94(2)(ga) inserted (E.W.N.I.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 1 para. 6\(3\)\(b\)](#); and (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 14\(3\)\(b\)](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F15** S. 94(2)(h) repealed (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F16** S. 94(3) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 98(4), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(dd)
- F17** S. 94(4)(a) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 14 para. 34](#)
- F18** S. 94(4)(aa) repealed (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F19** Words in s. 94(4) repealed (25.9.2000) by [2000 c. 23](#), s. 82(2), [Sch. 5](#) (with s. 82(3)); S.I. 2000/2543, [art. 2](#)
- F20** Word in s. 94(4) repealed (30.9.1998) by [1998 c. 37](#), s. 113(3), s. 120(2), [Sch. 10](#); S.I. 1998/2327, [art. 2](#)
- F21** S. 94(4)(c) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 98(4), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(dd)
- F22** S. 94(5)-(7) repealed (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)

Modifications etc. (not altering text)

- C1** S. 94 applied (*prosp.*) by [2000 c. 23](#), [ss. 49](#), 83(2), [Sch. 2 para. 2\(7\)](#) (with s. 82(3))

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C2 S. 94 applied (1.10.2007) by Regulation of Investigatory Powers Act 2000 (c. 23), s. 83(2), **Sch. 2 para. 2(7)** (with s. 82(3)); S.I. 2007/2196, art. 2(a)

Marginal Citations

M1 1839 c. xciv.

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