



Police Act 1997

1997 CHAPTER 50

PART III

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

Authorisations requiring approval

97 Authorisations requiring approval.

- (1) An authorisation to which this section applies shall not take effect until—
 - (a) it has been approved in accordance with this section by a Commissioner appointed under section 91(1)(b), and
 - (b) the person who gave the authorisation has been notified under subsection (4).
- (2) Subject to subsection (3), this section applies to an authorisation if, at the time it is given, the person who gives it believes—
 - (a) that any of the property specified in the authorisation—
 - (i) is used wholly or mainly as a dwelling or as a bedroom in a hotel, or
 - (ii) constitutes office premises, or
 - (b) that the action authorised by it is likely to result in any person acquiring knowledge of—
 - (i) matters subject to legal privilege,
 - (ii) confidential personal information, or
 - (iii) confidential journalistic material.
- (3) This section does not apply to an authorisation where the person who gives it believes that the case is one of urgency.
- (4) Where a Commissioner receives a notice under section 96 which specifies that this section applies to the authorisation, he shall as soon as is reasonably practicable—
 - (a) decide whether to approve the authorisation or refuse approval, and
 - (b) give written notice of his decision to the person who gave the authorisation.

Status: Point in time view as at 24/11/2005.

Changes to legislation: Police Act 1997, Cross Heading: Authorisations requiring approval is up to date with all changes known to be in force on or before 15 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)

- (5) A Commissioner shall approve an authorisation if, and only if, he is satisfied that there are reasonable grounds for believing the matters specified in section 93(2).
- (6) Where a Commissioner refuses to approve an authorisation, he shall, as soon as is reasonably practicable, make a report of his findings to the authorising officer who gave it or in whose absence it was given ^{F1}. . . .
- [^{F2}(6A) The reference in subsection (6) to the authorising officer who gave the authorisation or in whose absence it was given shall be construed, in the case of an authorisation given by or in the absence of a person within paragraph (b), (e) or (g) of section 93(5), as a reference to the Commissioner of Police, Chief Constable or, as the case may be, Director General mentioned in the paragraph concerned.]
- (7) This section shall apply in relation to a renewal of an authorisation as it applies in relation to an authorisation (the references in subsection (2)(a) and (b) to the authorisation being construed as references to the authorisation renewed).
- (8) In this section—
 “office premises” has the meaning given in section 1(2) of the ^{M1}Offices, Shops and Railway Premises Act 1963;
 “hotel” means premises used for the reception of guests who desire to sleep in the premises.

Textual Amendments

- F1** Words in s. 97(6) repealed (25.9.2000) by 2000 c. 23, s. 82(1)(2), Sch. 4 para. 8(7), Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 2
- F2** S. 97(6A) inserted (25.9.2000) by 2000 c. 23, s. 82(1), Sch. 4 para. 82(3); S.I. 2000/2543, art. 2

Marginal Citations

- M1** 1963 c. 41.

98 Matters subject to legal privilege.

- (1) Subject to subsection (5) below, in section 97 “matters subject to legal privilege” means matters to which subsection (2), (3) or (4) below applies.
- (2) This subsection applies to communications between a professional legal adviser and—
 (a) his client, or
 (b) any person representing his client,
 which are made in connection with the giving of legal advice to the client.
- (3) This subsection applies to communications—
 (a) between a professional legal adviser and his client or any person representing his client, or
 (b) between a professional legal adviser or his client or any such representative and any other person,
 which are made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
- (4) This subsection applies to items enclosed with or referred to in communications of the kind mentioned in subsection (2) or (3) and made—

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- (a) in connection with the giving of legal advice, or
 - (b) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
- (5) For the purposes of section 97—
- (a) communications and items are not matters subject to legal privilege when they are in the possession of a person who is not entitled to possession of them, and
 - (b) communications and items held, or oral communications made, with the intention of furthering a criminal purpose are not matters subject to legal privilege.

99 Confidential personal information.

- (1) In section 97 “confidential personal information” means—
- (a) personal information which a person has acquired or created in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office, and which he holds in confidence, and
 - (b) communications as a result of which personal information—
 - (i) is acquired or created as mentioned in paragraph (a), and
 - (ii) is held in confidence.
- (2) For the purposes of this section “personal information” means information concerning an individual (whether living or dead) who can be identified from it and relating—
- (a) to his physical or mental health, or
 - (b) to spiritual counselling or assistance given or to be given to him.
- (3) A person holds information in confidence for the purposes of this section if he holds it subject—
- (a) to an express or implied undertaking to hold it in confidence, or
 - (b) to a restriction on disclosure or an obligation of secrecy contained in any enactment (including an enactment contained in an Act passed after this Act).

100 Confidential journalistic material.

- (1) In section 97 “confidential journalistic material” means—
- (a) material acquired or created for the purposes of journalism which—
 - (i) is in the possession of persons who acquired or created it for those purposes,
 - (ii) is held subject to an undertaking, restriction or obligation of the kind mentioned in section 99(3), and
 - (iii) has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism, and
 - (b) communications as a result of which information is acquired for the purposes of journalism and held as mentioned in paragraph (a)(ii).
- (2) For the purposes of subsection (1), a person who receives material, or acquires information, from someone who intends that the recipient shall use it for the purposes of journalism is to be taken to have acquired it for those purposes.

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