



Police Act 1997

1997 CHAPTER 50

PART III

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

Authorisations

92 Effect of authorisation under Part III.

No entry on or interference with property or with wireless telegraphy shall be unlawful if it is authorised by an authorisation having effect under this Part.

93 Authorisations to interfere with property etc.

- (1) Where subsection (2) applies, an authorising officer may authorise—
- (a) the taking of such action, in respect of such property in the relevant area, as he may specify,
 - ^[F1](ab) the taking of such action falling within subsection (1A), in respect of property outside the relevant area, as he may specify, or]
 - (b) the taking of such action in the relevant area as he may specify, in respect of wireless telegraphy.

^[F2](1A) The action falling within this subsection is action for maintaining or retrieving any equipment, apparatus or device the placing or use of which in the relevant area has been authorised under this Part ^[F3]or the Investigatory Powers Act 2016] or Part II of the Regulation of Investigatory Powers Act 2000 or under any enactment contained in or made under an Act of the Scottish Parliament which makes provision equivalent to that made by Part II of that Act of 2000.

(1B) Subsection (1) applies where the authorising officer is a ^[F4]National Crime Agency officer]] ^[F5]giving an authorisation on an application made by virtue of subsection (3)(b) (i)], ^[F6]an officer of Revenue and Customs]] ^[F7], an immigration officer]] ^[F8]or the chair of the Competition and Markets Authority] with the omission of—

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- (a) the words “in the relevant area”, in each place where they occur; and
 - (b) paragraph (ab).]
- (2) This subsection applies where the authorising officer believes—
- (a) that it is necessary for the action specified to be taken [F⁹for the purpose of preventing or detecting] serious crime, and
 - [F¹⁰(b) that the taking of the action is proportionate to what the action seeks to achieve.]
- [F¹¹(2A) Subsection (2) applies where the authorising officer is the Chief Constable or the Deputy Chief Constable of the [F¹²Police Service of Northern Ireland] as if the reference in subsection (2)(a) to preventing or detecting serious crime included a reference to the interests of national security.
- [Where the authorising officer is the [F¹⁴chair of the Competition and Markets
F¹³(2AA) Authority], the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting an offence under section 188 of the Enterprise Act 2002.]
- (2B) The matters to be taken into account in considering whether the requirements of subsection (2) are satisfied in the case of any authorisation shall include whether what it is thought necessary to achieve by the authorised action could reasonably be achieved by other means.]
- (3) An authorising officer shall not give an authorisation under this section except on an application made—
- [F¹⁵(za) if the authorising officer is within subsection (5)(a) to (c)—
 - (i) by a member of the officer's police force; F¹⁶ ...
 - (ii) in a case where the chief officer of police of that force (“the authorising force”) has made an agreement under [F¹⁷section 22A] of the Police Act 1996 with the chief officer of police of one or more other police forces, by a member of a collaborative force; [F¹⁸or
 - (iii) in a case where the chief officer of police of the authorising force has made an agreement under that section with the Director General of the National Crime Agency, by a National Crime Agency officer (but see subsection (3AA));]
 - [F¹⁹(zb) if the authorising officer is within subsection (5)(d), by a constable of the Police Service of Scotland;]
 - (a) if the authorising officer is within [F²⁰subsection][F²¹(5)(e),][F²²(ea) or (ee)], by a member of his police force,
 - [F²³(aa) if the authorising officer is within subsection (5)(eb) to (ed), by a member, as the case may be, of the [F²⁴Royal Navy Police], the Royal Military Police or the Royal Air Force Police;]
 - [F²⁵(b) if the authorising officer is within [F²⁶subsection (5)(f)—
 - (i) by] a [F²⁷National Crime Agency officer], [F²⁸or
 - (ii) in a case where the Director General of the National Crime Agency has made an agreement under section 22A of the Police Act 1996 with the chief officer of police of one or more police forces, by a member of a collaborative force;]
 - (d) if the authorising officer is within subsection (5)(h), by [F²⁹an officer of Revenue and Customs][F³⁰, F³¹ ...
 - [if the authorising officer is within subsection (5)(ha), by an immigration
F³²(da) officer;]

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- (e) if the authorising officer is within subsection (5)(i), by an officer of the [^{F33}Competition and Markets Authority].]
- [^{F34}(ea) if the authorising officer is within subsection (5)(ia), by a staff officer of the Police Investigations and Review Commissioner.]
- ^{F35}(f)
- [^{F36}(3A) For the purposes of subsection (3)(za)(ii)—
 - (a) a police force is a collaborative force if—
 - (i) its chief officer of police is a party to the agreement mentioned in that provision; and
 - (ii) its members are permitted by the terms of the agreement to make applications for authorisations under this section to the authorising officer of the authorising force; and
 - (b) a reference to a police force is to the following—
 - (i) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
 - (ii) the metropolitan police force; and
 - (iii) the City of London police force.]
- [^{F37}(3AA) A National Crime Agency officer may make an application by virtue of subsection (3)(za)(iii) only if permitted by the terms of the agreement mentioned in that provision to make applications for authorisations under this section to the authorising officer of the authorising force.
- (3AB) For the purposes of subsection (3)(b), a police force is a collaborative force if—
 - (a) its chief officer of police is a party to the agreement mentioned in that provision, and
 - (b) its members are permitted by the terms of the agreement to make applications for authorisations under this section to the authorising officer mentioned in that provision.
- Paragraph (b) of subsection (3A) applies for the purposes of this subsection.]
- [^{F38}(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.]
- ^{F39}(3B)
- ^{F39}(3C)
- ^{F39}(3D)
- ^{F39}(3E)
- (4) For the purposes of subsection (2), conduct which constitutes one or more offences shall be regarded as serious crime if, and only if,—
 - (a) it involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose, or
 - (b) the offence or one of the offences is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more,

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and, where the authorising officer is within subsection (5)(h), [^{F40}the conduct] relates to an assigned matter within the meaning of section 1(1) of the ^{M1}Customs and Excise Management Act 1979 [^{F41}or, where the authorising officer is within subsection (5) (ha), any of the offences is an immigration or nationality offence].

(5) In this section “authorising officer” means—

- (a) the chief constable of a police force maintained under section 2 of the ^{M2}Police Act 1996 (maintenance of police forces for areas in England and Wales except London);
- (b) the Commissioner, or an Assistant Commissioner, of Police of the Metropolis;
- (c) the Commissioner of Police for the City of London;
- [^{F42}(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;]
- (e) the Chief Constable or a Deputy Chief Constable of the [^{F12}Police Service of Northern Ireland];
- [^{F43}(ea) the Chief Constable of the Ministry of Defence Police;
- (eb) the Provost Marshal of the [^{F44}Royal Navy Police];
- (ec) the Provost Marshal of the Royal Military Police;
- (ed) the Provost Marshal of the Royal Air Force Police;
- (ee) the Chief Constable of the ^{F45}British Transport Police;]
- [^{F46}(f) the Director General of the National Crime Agency, or any other National Crime Agency officer who is designated for the purposes of this paragraph by that Director General;]
- [^{F47}(h) 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 for the purposes of this paragraph by the Commissioners for Her Majesty's Revenue and Customs;]^{F48} ...
- [^{F49}(ha) an immigration officer who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated for the purposes of this paragraph by the Secretary of State;]
- [^{F50}(i) the [^{F51}chair of the Competition and Markets Authority].]
- [^{F52}(ia) the Police Investigations and Review Commissioner.]
- ^{F53}(j)

(6) In this section “relevant area”—

- (a) in relation to a person within paragraph (a), (b) or (c) of subsection (5) [^{F54}to whom an application is made by virtue of subsection (3)(za)(i)], means the area in England and Wales for which his police force is maintained;
- [^{F55}(aa) in relation to a person within any of those paragraphs to whom an application is made by virtue of subsection (3)(za)(ii), means the area in England and Wales—
 - (i) for which any collaborative force (within the meaning of subsection (3A)) is maintained; and
 - (ii) which is specified in relation to members of that force in the agreement mentioned in subsection (3)(za)(ii);]
- [^{F56}(ab) in relation to a person within any of those paragraphs to whom an application is made by virtue of subsection (3)(za)(iii), means the area in England and Wales for which—
 - (i) the person's police force is maintained, or

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- (ii) any other police force whose chief officer of police is a party to the agreement mentioned in subsection (3)(za)(iii) is maintained, and which is specified in relation to NCA officers in the agreement mentioned in that provision;]
- (b) in relation to a person within paragraph (d) [^{F57}or (ia) of subsection (5), means Scotland];
- (c) in relation to a person within paragraph (e) of that subsection, means Northern Ireland;
- [^{F58}(ca) in relation to a person within paragraph (ea), means any place where, under section 2 of the ^{M3}Ministry of Defence Police Act 1987, the members of the Ministry of Defence Police have the powers and privileges of a constable;
- (cb) in relation to a person within paragraph (ee), means the United Kingdom;]
- [^{F59}(cba) in relation to a person within subsection (5)(f) to whom an application is made by virtue of subsection (3)(b)(ii), means the area in England and Wales—
 - (i) for which any collaborative force (within the meaning of subsection (3AB)) is maintained, and
 - (ii) which is specified in relation to members of that force in the agreement mentioned in subsection (3)(b)(ii);]
- ^{F60}(cc)
- ^{F61}(d)
- ^{F62}(e)
- ^{F63}(f)

and in each case includes the adjacent United Kingdom waters.

[^{F64}(6A) For the purposes of any authorisation by a person within paragraph (eb), (ec) or (ed) of subsection (5) property is in the relevant area or action in respect of wireless telegraphy is taken in the relevant area if, as the case may be—

- (a) the property is owned, occupied, in the possession of or being used by a person [^{F65}who is subject to service law or is a civilian subject to service discipline]; or
- (b) the action is taken in relation to the use of wireless telegraphy by such a person.

[^{F66}(6B) In subsection (6A) “subject to service law” and “civilian subject to service discipline” have the same meanings as in the Armed Forces Act 2006.]

[For the purposes of this section, an offence is an immigration or nationality offence

^{F67}(6C) if conduct constituting the offence—

- (a) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or
- (b) is undertaken for the purposes of, or otherwise in relation to, any of these enactments—
 - (i) the British Nationality Act 1981;
 - (ii) the Hong Kong Act 1985;
 - (iii) the Hong Kong (War Wives and Widows) Act 1996;
 - (iv) the British Nationality (Hong Kong) Act 1997;
 - (v) the British Overseas Territories Act 2002;
 - (vi) an instrument made under any of those Acts.]

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- (7) The powers conferred by, or by virtue of, this section are additional to any other powers which a person has as a constable either at common law or under or by virtue of any other enactment and are not to be taken to affect any of those other powers.]

Textual Amendments

- F1** S. 93(1)(ab) substituted for word “or” (25.9.2000) by 2000 c. 23, s. 75(2) (with s. 82(3)); S.I. 2000/2543, art. 2
- F2** S. 93(1A)(1B) inserted (25.9.2000) by 2000 c. 23, s. 75(3) (with s. 82(3)); S.I. 2000/2543, art. 2
- F3** Words in s. 93(1A) inserted (27.6.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), Sch. 10 para. 1 (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(i)
- F4** Words in s. 93(1B) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), Sch. 8 para. 56(2); S.I. 2013/1682, art. 3(v)
- F5** Words in s. 93(1B) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), Sch. 19 para. 1(2)
- F6** Words in s. 93(1B) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 12 para. 1(a); S.I. 2008/219, art. 2(b)
- F7** Words in s. 93(1B) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), Sch. 21 para. 2(2) (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F8** Words in s. 93(1B) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), Sch. 1 para. 116(2) (with art. 3)
- F9** Words in s. 93(2)(a) substituted (25.9.2000) by 2000 c. 23, s. 75(4)(a) (with s. 82(3)); S.I. 2000/2543, art. 2
- F10** S. 93(2)(b) substituted (25.9.2000) by 2000 c. 23, s. 75(4)(b) (with s. 82(3)); S.I. 2000/2543, art. 2
- F11** S. 93(2A)(2B) inserted (25.9.2000) by 2000 c. 23, s. 75(5) (with s. 82(3)); S.I. 2000/2543, art. 2
- F12** Words in s. 93(2A)(5)(e) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 20(2)(b); S.R. 2001/396, art. 2, Sch.
- F13** S. 93(2AA) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), ss. 200(2)(b), 279; S.I. 2003/1397, art. 2(1), Sch.
- F14** Words in s. 93(2AA) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), Sch. 1 para. 116(3) (with art. 3)
- F15** S. 93(3)(za) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 6(2), 116(1); S.I. 2009/3096, art. 3(a)
- F16** Word in s. 93(3)(za)(i) omitted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), Sch. 19 para. 1(3)(a)
- F17** Words in s. 93(3)(za)(ii) substituted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), Sch. 19 para. 1(3)(b)
- F18** S. 93(3)(za)(iii) and word inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), Sch. 19 para. 1(3)(c)
- F19** S. 93(3)(zb) 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(2)(a)(i); and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), sch. 7 para. 14(2)(a)(i); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F20** Words in s. 93(3)(a) substituted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 6(3), 116(1); S.I. 2009/3096, art. 3(a)
- F21** Word in s. 93(3)(a) 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(2)(a)(ii); and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), sch. 7 para. 14(2)(a)(ii); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

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- F22** Words in s. 93(3)(a) substituted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(2)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F23** S. 93(3)(aa) inserted (25.9.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 8(2)(b)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F24** Words in s. 93(3)(aa) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 146(2)**; S.I. 2007/1442, art. 2(1)
- F25** S. 93(3)(b) substituted for s. 93(3)(b)(c) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 97(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10 (with art. 4(3))
- F26** Words in s. 93(3)(b) substituted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(3)(d)(i)**
- F27** Words in s. 93(3)(b) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 56(2)**; S.I. 2013/1682, art. 3(v)
- F28** S. 93(3)(b)(ii) and word inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(3)(d)(ii)**
- F29** Words in s. 93(3)(d) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 12 para. 1(b)**; S.I. 2008/219, art. 2(b)
- F30** S. 93(3)(e) and word inserted (20.6.2003) by Enterprise Act 2002 (c. 40), **ss. 200(2)(c)**, 279; S.I. 2003/1397, art. 2(1), Sch.
- F31** Word in s. 93(3)(d) omitted (25.6.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(3)(a)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F32** S. 93(3)(da) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(3)(b)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F33** Words in s. 93(3)(e) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 116(4)** (with art. 3)
- F34** S. 93(3)(ea) 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(2)(a)(iii)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(a)(iii)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F35** S. 93(3)(f) 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)
- F36** S. 93(3A) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 6(4)**, 116(1); S.I. 2009/3096, art. 3(a)
- F37** S. 93(3AA)(3AB) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(4)**
- F38** S. 93(3ZA) 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(2)(b)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F39** S. 93(3B)-(3E) 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)
- F40** Words in s. 93(4) substituted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(4)(a)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F41** Words in s. 93(4) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(4)(b)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F42** S. 93(5)(d) 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(2)(c)(i)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(c)(i)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F43** S. 93(5)(ea)-(ee) inserted (25.9.2000) by 2000 c. 23, **s. 75(6)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F44** Words in s. 93(5)(eb) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 146(3)**; S.I. 2007/1442, art. 2(1)

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- F45** S. 93 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 5 para. 4**; S.I. 2004/1572, art. 3(jjj)
- F46** S. 93(5)(f) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 56(3)**; S.I. 2013/1682, art. 3(v)
- F47** S. 93(5)(h) substituted (15.2.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 12 para. 1(c)**; S.I. 2008/219, art. 2(b)
- F48** Word in s. 93(5)(h) omitted (25.6.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(5)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F49** S. 93(5)(ha) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), **ss. 55(1)**, 61(2) (with Sch. 21 para. 40); S.I. 2013/1042, art. 4(d)
- F50** S. 93(5)(i) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), **ss. 200(2)(d)**, 279; S.I. 2003/1397, art. 2(1), **Sch.**
- F51** Words in s. 93(5)(i) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 116(5)** (with art. 3)
- F52** S. 93(5)(ia) 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(2)(c)(ii)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(c)(ii)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F53** S. 93(5)(j) 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)
- F54** Words in s. 93(6)(a) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 6(5)(a)**, 116(1); S.I. 2009/3096, art. 3(a)
- F55** S. 93(6)(aa) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 6(5)(b)**, 116(1); S.I. 2009/3096, art. 3(a)
- F56** S. 93(6)(ab) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(5)(a)**
- F57** Words in s. 93(6)(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(2)(d)**; and (S.) (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 14(2)(d)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F58** S. 93(6)(ca)(cb) inserted (25.9.2000) by 2000 c. 23, **s. 75(7)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F59** S. 93(6)(cba) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e)(6)(b), **Sch. 19 para. 1(5)(b)**
- F60** S. 93(6)(cc) 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)
- F61** S. 93(6)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 97(5)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(dd)** (with art. 4(3))
- F62** S. 93(6)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 97(5)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(dd)** (with art. 4(3))
- F63** S. 93(6)(f) and the word “and” immediately preceding it repealed (25.9.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F64** S. 93(6A)(6B) inserted (25.9.2000) by 2000 c. 23, **s. 75(8)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F65** Words in s. 93(6A)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 146(4)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F66** S. 93(6B) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 146(5)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F67** S. 93(6C) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 2(6)** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)

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Modifications etc. (not altering text)

C1 S. 93 amended (S.) (29.9.2000) by 2000 asp 11, s. 23(5) (with s. 30); S.S.I. 2000/341, art. 2

Marginal Citations

M1 1979 c. 2.

M2 1996 c. 16.

M3 1987 c. 4.

94 Authorisations given in absence of authorising officer.

(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) [^{F68}, (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; ^{F69} . . . [^{F70}or]

(b) if the authorising officer is within paragraph (a) [^{F71}or (c)] of section 93(5), it is also not reasonably practicable for the application to be considered by his designated deputy ^{F72} ...

^{F72}(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) [^{F73}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 [^{F74}Police Service of Northern Ireland];

[^{F75}(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 [^{F76}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 ^{F77}British Transport Police;]

[^{F78}(e) where the authorising officer is within paragraph (f) of that subsection, by a person designated for the purposes of this section by the [^{F79}Director General of the National Crime Agency];]

(f) where the authorising officer is within paragraph (h) of that subsection, [^{F80}by an officer of Revenue and Customs who is a senior official within the meaning

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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.

[^{F81}(fa) where the authorising officer is within paragraph (ha) of that subsection, by a senior official (within the meaning of the Regulation of Investigatory Powers Act 2000) in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated by the Secretary of State for the purposes of this section;]

[^{F82}(g) where the authorising officer is within paragraph (i) of that subsection, by an officer of the [^{F83}Competition and Markets Authority] designated by it for the purposes of this section.]

[^{F84}(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.]

^{F85}(h)

^{F86}(3)

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

[^{F87}(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;]

^{F88}(aa)

(b) in the case of an authorising officer within paragraph (c) of section 93(5), means the person authorised to act ^{F89} . . . under section 25 of the ^{M4}City of London Police Act 1839; ^{F90} . . .

^{F91}(c)

(d)

^{F92}(5)

^{F92}(6)

^{F92}(7)

Textual Amendments

F68 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

F69 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**

F70 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

F71 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)

F72 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)

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- F73** 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)
- F74** 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.**
- F75** 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**
- F76** 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)
- F77** 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)
- F78** 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
- F79** Words in s. 94(2)(e) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 57**; S.I. 2013/1682, art. 3(v)
- F80** 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)
- F81** S. 94(2)(fa) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 3** (with Sch. 20 para. 29); S.I. 2013/1042, art. 4(i)
- F82** 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.
- F83** Words in s. 94(2)(g) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 117** (with art. 3)
- F84** 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)
- F85** 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)
- F86** 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)
- F87** S. 94(4)(a) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), **Sch. 14 para. 34**
- F88** 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)
- F89** 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**
- F90** 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**
- F91** 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)
- F92** 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)

- C2** S. 94 applied (*prosp.*) by 2000 c. 23, ss. 49, 83(2), **Sch. 2 para. 2(7)** (with s. 82(3))
- C3** 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

- M4** 1839 c. xciv.

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95 Authorisations: form and duration etc.

- (1) An authorisation shall be in writing, except that in an urgent case an authorisation (other than one given by virtue of section 94) may be given orally.
- (2) An authorisation shall, unless renewed under subsection (3), cease to have effect—
 - (a) if given orally or by virtue of section 94, at the end of the period of 72 hours beginning with the time when it took effect;
 - (b) in any other case, at the end of the period of three months beginning with the day on which it took effect.
- (3) If at any time before an authorisation would cease to have effect the authorising officer who gave the authorisation, or in whose absence it was given, considers it necessary for the authorisation to continue to have effect for the purpose for which it was issued, he may, in writing, renew it for a period of three months beginning with the day on which it would cease to have effect.
- (4) A person shall cancel an authorisation given by him if satisfied that ^[F93]the authorisation is one in relation to which the requirements of paragraphs (a) and (b) of section 93(2) are no longer satisfied.]
- (5) An authorising officer shall cancel an authorisation given in his absence if satisfied that ^[F93]the authorisation is one in relation to which the requirements of paragraphs (a) and (b) of section 93(2) are no longer satisfied].
- (6) If the authorising officer who gave the authorisation is within paragraph (b) ^[F94]^[F95], (d), (e)]^[F96] or (f)] of section 93(5), the power conferred on that person by subsections (3) and (4) above shall also be exercisable by each of the other persons within the paragraph concerned.
- (7) Nothing in this section shall prevent a designated deputy from exercising the powers conferred on an authorising officer within paragraph (a) ^[F97], (c) ^[F98] or (d) ^[F97] or (c)] of section 93(5) by subsections (3), (4) and (5) above.

Textual Amendments

- F93** Words in s. 95(4)(5) substituted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(6)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F94** Words in s. 95(6) substituted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(6)(b)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F95** Words in s. 95(6) substituted (E.W.N.I) (1.4.2013) by virtue of **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(4)**; and (S.) (1.4.2013) by virtue of **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **sch. 7 para. 14(4)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F96** Words in s. 95(6) substituted (1.4.2006) by **Serious Organised Crime and Police Act 2005** (c. 15), s. 178(8), **Sch. 4 para. 99(2)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F97** Words in s. 95(7) substituted (S.) (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **sch. 7 para. 14(4)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F98** Words in s. 95(7) substituted (1.4.2006) by **Serious Organised Crime and Police Act 2005** (c. 15), s. 178(8), **Sch. 4 para. 99(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10

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96 Notification of authorisations etc.

- (1) Where a person gives, renews or cancels an authorisation, he shall, as soon as is reasonably practicable and in accordance with arrangements made by the [^{F99}Investigatory Powers Commissioner], give notice in writing that he has done so to [^{F100}a Judicial Commissioner].
- (2) Subject to subsection (3), a notice under this section shall specify such matters as the Secretary of State may by order prescribe.
- (3) A notice under this section of the giving or renewal of an authorisation shall specify—
 - (a) whether section 97 applies to the authorisation or renewal, and
 - (b) where that section does not apply by virtue of subsection (3) of that section, the grounds on which the case is believed to be one of urgency.
- (4) Where a notice is given to [^{F101}a Judicial Commissioner] under this section, he shall, as soon as is reasonably practicable, scrutinise the notice.
- (5) An order under subsection (2) shall be made by statutory instrument.
- (6) A statutory instrument which contains an order under subsection (2) shall not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

- F99** Words in s. 96(1) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\), ss. 233\(2\)\(a\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/859, reg. 2\(e\)](#)
- F100** Words in s. 96(1) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\), ss. 233\(2\)\(b\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/859, reg. 2\(e\)](#)
- F101** Words in s. 96(4) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\), ss. 233\(2\)\(c\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/859, reg. 2\(e\)](#)

Commencement Information

- II** S. 96 wholly in force at 22.2.1999; s. 96 not in force at Royal Assent see s. 135; s. 96 in force for certain purposes at 1.9.1997 by [S.I. 1997/1930, art. 2](#) (with art. 2(3)); s. 96 in force at 22.2.1999 insofar as not already in force by [S.I. 1999/151, art. 2](#)

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