



Police Act 1997

1997 CHAPTER 50

PART III

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

The Commissioners

91 The Commissioners.

- (1) The Prime Minister [^{F1}after consultation with the Scottish Ministers], shall appoint for the purposes of this Part—
 - (a) a Chief Commissioner, and
 - (b) such number of other Commissioners as the Prime Minister thinks fit.
- (2) The persons appointed under subsection (1) shall be persons who hold or have held high judicial office within the meaning of the ^{M1}Appellate Jurisdiction Act 1876.
- (3) Subject to subsections (4) to (7), each Commissioner shall hold and vacate office in accordance with the terms of his appointment.
- (4) Each Commissioner shall be appointed for a term of three years.
- (5) A person who ceases to be a Commissioner (otherwise than under subsection (7)) may be reappointed under this section.
- [^{F2}(6) Subject to subsection (7), a Commissioner shall not be removed from office before the end of the term for which he is appointed unless—
 - (a) a resolution approving his removal has been passed by each House of Parliament; and
 - (b) a resolution approving his removal has been passed by the Scottish Parliament.]
 - (7) A Commissioner may be removed from office by the Prime Minister if after his appointment—

Status: Point in time view as at 01/04/2006.

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- (a) a bankruptcy order is made against him or his estate is sequestrated or he makes a composition or arrangement with, or grants a trust deed for, his creditors;
 - (b) a disqualification order under the ^{M2}Company Directors Disqualification Act 1986 or Part II of the ^{M3}Companies (Northern Ireland) Order 1989, or an order under section 429(2)(b) of the ^{M4}Insolvency Act 1986 (failure to pay under county court administration order), is made against him [^{F3}or his disqualification undertaking is accepted under section 7 or 8 of the Company Directors Disqualification Act 1986][^{F4}or under the Company Directors Disqualification (Northern Ireland) Order 2002]; or
 - (c) he is convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has passed on him a sentence of imprisonment (whether suspended or not).
- (8) The Secretary of State shall pay to each Commissioner [^{F5}, other than a commissioner carrying out functions as mentioned in subsection (8A),] such allowances as the Secretary of State considers appropriate.
- [^{F6}(8A) The Scottish Ministers shall pay to any Commissioner who carries out his functions under this Part wholly or mainly in Scotland such allowances as the Scottish Ministers consider appropriate.]
- (9) The Secretary of State shall, after consultation with the Chief Commissioner [^{F7}and subject to the approval of the Treasury as to numbers], provide the Commissioners [^{F8}and any Assistant Surveillance Commissioners holding office under section 63 of the Regulation of Investigatory Powers Act 2000][^{F9}, other than any Commissioner carrying out functions as mentioned in subsection (9A),] with such staff as the Secretary of State considers necessary for the discharge of their functions.
- [^{F10}(9A) The Scottish Ministers shall, after consultation with the Chief Commissioner, provide any Commissioner who carries out his functions under this Part wholly or mainly in Scotland with such staff as the Scottish Ministers consider necessary for the discharge of his functions.]
- (10) The decisions of the Chief Commissioner or, subject to sections 104 and 106, any other Commissioner (including decisions as to his jurisdiction) shall not be subject to appeal or liable to be questioned in any court.

Textual Amendments

- F1** Words in s. 91(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 6 Pt. II para. 2(2)(a)**; S.I. 1998/3178, **art. 3**
- F2** S. 91(6) substituted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 6 Pt. II para. 2(2)(b)**; S.I. 1998/3178, **art. 3**
- F3** Words in s. 91(7)(b) inserted (2.4.2001) by 2000 c. 39, s. 8, **Sch. 4 Pt. II para. 22(2)**; S.I. 2001/766, **art. 2(1)(a)** (subject to the transitional provisions and savings in art. 3)
- F4** Words in s. 91(7)(b) inserted (E.W.S.) (with application in accordance with art. 1(2) of the amending S.I.) by **The Insolvency Act 2000 (Company Directors Disqualification Undertakings) Order 2004 (S.I. 2004/1941)**, art. 1(2), **Sch. para. 10**
- F5** Words in s. 91(8) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 6 Pt. II para. 2(2)(c)**; S.I. 1998/3178, **art. 3**
- F6** S. 91(8A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 6 Pt. II para. 2(2)(d)**; S.I. 1998/3178, **art. 3**

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- F7** Words in s. 91(9) inserted (25.9.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 8(1)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F8** Words in s. 91(9) inserted (25.9.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 8(1)(b)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F9** Words in s. 91(9) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 6 Pt. II para. 2(2)(f)**; S.I. 1998/3178, **art. 3**
- F10** S. 91(9A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 6 Pt. II para. 2(2)(g)**; S.I. 1998/3178, **art. 3**.

Modifications etc. (not altering text)

- C1** S. 91(3)-(8) applied (25.9.2000) by 2000 c. 23, **s. 63(5)** (with s. 82(3)); S.I. 2000/2543, **art. 2**

Commencement Information

- I1** S. 91 wholly in force at 22.2.1999; s. 91 not in force at Royal Assent see s.135; s. 91 (1)-(9) in force at 1.9.1997 by S.I. 1997/1930, **art. 2**(with art. 2(3)); S. 91(10) in force at 22.2.1999 by S.I. 1999/151, **art. 2**

Marginal Citations

- M1** 1876 c. 59.
- M2** 1986 c. 46.
- M3** S.I. 1989/2404 (N.I.18).
- M4** 1986 c. 45.

Status:

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