



Police Act 1997

1997 CHAPTER 50

PART III

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

Authorisations

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, or
 - (b) the taking of such action in the relevant area as he may specify, in respect of wireless telegraphy.
- (2) This subsection applies where the authorising officer believes—
 - (a) that it is necessary for the action specified to be taken on the ground that it is likely to be of substantial value in the prevention or detection of serious crime, and
 - (b) that what the action seeks to achieve cannot reasonably be achieved by other means.
- (3) An authorising officer shall not give an authorisation under this section except on an application made—
 - (a) if the authorising officer is within subsection (5)(a) to (e), by a member of his police force,
 - (b) if the authorising officer is within subsection (5)(f), by a member of the National Criminal Intelligence Service,
 - (c) if the authorising officer is within subsection (5)(g), by a member of the National Crime Squad, or
 - (d) if the authorising officer is within subsection (5)(h), by a customs officer.

Status: This is the original version (as it was originally enacted).

(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,

and, where the authorising officer is within subsection (5)(h), it relates to an assigned matter within the meaning of section 1(1) of the Customs and Excise Management Act 1979.

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

- (a) the chief constable of a police force maintained under section 2 of the 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;
- (d) the chief constable of a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (maintenance of police forces for areas in Scotland);
- (e) the Chief Constable or a Deputy Chief Constable of the Royal Ulster Constabulary;
- (f) the Director General of the National Criminal Intelligence Service;
- (g) the Director General of the National Crime Squad; or
- (h) the customs officer designated by the Commissioners of Customs and Excise for the purposes of this paragraph.

(6) In this section “relevant area”—

- (a) in relation to a person within paragraph (a), (b) or (c) of subsection (5), means the area in England and Wales for which his police force is maintained;
- (b) in relation to a person within paragraph (d) of that subsection means the area in Scotland for which his police force is maintained;
- (c) in relation to a person within paragraph (e) of that subsection, means Northern Ireland;
- (d) in relation to the Director General of the National Criminal Intelligence Service, means the United Kingdom;
- (e) in relation to the Director General of the National Crime Squad, means England and Wales; and
- (f) in relation to the customs officer designated for the purposes of paragraph (h) of that subsection, means the United Kingdom,

and in each case includes the adjacent United Kingdom waters.

(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.