



Police Act 1997

1997 CHAPTER 50

PART III

AUTHORISATION OF ACTION IN RESPECT OF PROPERTY

Authorisations

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) or (e) 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; ^{F1} . . .
 - (b) if the authorising officer is within paragraph (a), (c), (d) [^{F2}or (f)] of section 93(5), it is also not reasonably practicable for the application to be considered by his designated deputy [^{F3}or
 - (c) if the authorising officer is within paragraph (g) of section 93(5), it is also not reasonably practicable for the application to be considered either—
 - (i) by any other person designated for the purposes of that paragraph; or
 - (ii) by the designated deputy of the Director General of the National Crime Squad.]
- (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) 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;

Status: Point in time view as at 25/09/2000. This version of this provision has been superseded.

Changes to legislation: Police Act 1997, Section 94 is up to date with all changes known to be in force on or before 12 July 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)

- (d) where the authorising officer is within paragraph (e) of that subsection, by a person holding the rank of assistant chief constable in the Royal Ulster Constabulary;
 - [^{F4}(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 Royal Navy Regulating Branch;
 - (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 British Transport Police;]
 - (e) where the authorising officer is within paragraph (f) ^{F5} . . . of that subsection by a person designated for the purposes of this section by the Director General of the National Criminal Intelligence Service ^{F5} . . . ;
 - [^{F6}(ea) where the authorising officer is within paragraph (g) of that subsection, by a person designated for the purposes of this paragraph by the Director General of the National Crime Squad as a person entitled to act in an urgent case;]
 - (f) where the authorising officer is within paragraph (h) of that subsection, by a customs officer designated by the Commissioners of Customs and Excise for the purposes of this section.
- (3) A police member of the National Criminal Intelligence Service or the National Crime Squad appointed under section 9(1)(b) or 55(1)(b) may not be designated under subsection (2)(e) [^{F7}or (2)(ea)] unless—
- [^{F8}he holds the rank of assistant chief constable in that Service or Squad].
- (4) In subsection (1), “designated deputy”—
- (a) in the case of an authorising officer within paragraph (a) or (d) of section 93(5), means the person holding the rank of assistant chief constable designated to act ^{F9} . . . under section 12(4) of the ^{M1}Police Act 1996 or, as the case may be, section 5(4) of the ^{M2}Police (Scotland) Act 1967;
 - (b) in the case of an authorising officer within paragraph (c) of section 93(5), means the person authorised to act ^{F9} . . . under section 25 of the ^{M3}City of London Police Act 1839; ^{F10} . . .
 - (c) in the case of an authorising officer within paragraph (f) or (g) of section 93(5), means the person designated to act ^{F9} . . . under section 8 or 54 ^{F11} . . .
 - (d)

Textual Amendments

- F1** 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**
- F2** Words in s. 94(1) substituted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(3)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F3** S. 94(1)(c) and the word “or” immediately preceding it inserted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(3)** (with s. 82(3)); S.I. 2000/2543, **art. 2**

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- F4** 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**
- F5** Words in s. 94(2)(e) repealed (25.9.2000) by 2000 c. 23, s. 82(1)(2), Sch. 4 para. 8(4)(b), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F6** S. 94(2)(ea) inserted (25.9.2000) by 2000 c. 23, s.82(1), **Sch. 4 para. 8(4)(c)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F7** Words in s. 94(3) inserted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 8(5)** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F8** Words in s. 94(3) substituted (for s. 94(3)(a)(b)) (30.9.1998) by 1998 c. 37, **s. 113(2)**; S.I. 1998/2327, **art. 2**
- F9** 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**
- F10** 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**
- F11** S. 94(4)(d) 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**

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))

Marginal Citations

- M1** 1996 c. 16.
M2 1967 c. 77.
M3 1839 c. xciv.

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