

SCHEDULE 1

EXTENSION OF MODIFICATIONS OF ENACTMENTS MADE BY 2012 ACT

Police Act 1997

- 6.—(1) The Police Act 1997(1) is amended as follows.
- (2) In section 93 (authorisations to deal with property etc.)—
- (a) in subsection (3)(2)—
- (i) after paragraph (za)(3) insert—
- “(zb) if the authorising officer is within subsection (5)(d), by a constable of the Police Service of Scotland;”;
- (ii) in paragraph (a)(4), for “(5)(d) to” substitute “(5)(e);”;
- (iii) after paragraph (e)(5) insert—
- “(ea) if the authorising officer is within subsection (5)(ia), by a staff officer of the Police Investigations and Review Commissioner.”;
- (b) after subsection (3A)(6) insert—
- “(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.”;
- (c) in subsection (5)(7)—
- (i) for paragraph (d) substitute—
- “(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;”;
- (ii) after paragraph (i) insert—
- “(ia) the Police Investigations and Review Commissioner;” and
- (d) in subsection (6)(b)(8), for the words from “of” to “maintained” substitute “or (ia) of subsection (5), means Scotland”.
- (3) In section 94 (authorisations given in absence of authorising officer)—
- (a) in subsection (1)(b(9)), for “, (c) or (d)” substitute “or (c)”;

(1) [1997 c.50](#).

(2) Section 93(3) is amended by the 2012 Act, schedule 7, paragraph 14(2)(a). There are other amendments to section 93(3) not relevant to this Order.

(3) Section 93(3)(za) was inserted by the Policing and Crime Act 2009 ([c.26](#)), section 6(2). New paragraph (zb) is inserted by the 2012 Act, schedule 7, paragraph 14(2)(a)(i).

(4) Section 93(3)(a) was amended by the Policing and Crime Act 2009 ([c.26](#)), section 6(3), the Regulation of Investigatory Powers Act 2000 ([c.23](#)), Schedule 4, paragraph 8(2)(a) and the 2012 Act, schedule 7, paragraph 14(2)(a)(ii).

(5) Section 93(3)(e) was inserted by the Enterprise Act 2002 ([c.40](#)), section 200(2)(c). New paragraph (ea) is inserted by the 2012 Act, schedule 7, paragraph 14(2)(a)(iii).

(6) Section 93(3A) was inserted by the Policing and Crime Act 2009 ([c.26](#)), section 6(4). New section 93(3ZA) is inserted by the 2012 Act, schedule 7, paragraph 14(2)(b).

(7) Section 93(5) is amended by the 2012 Act, schedule 7, paragraph 14(2)(c). There are other amendments to section 93(5) not relevant to this Order.

(8) Section 93(6)(b) was amended by the Policing and Crime Act 2009 ([c.26](#)), section 6(5)(c) and the 2012 Act, schedule 7, paragraph 14(2)(d).

(9) Section 94(1)(b) was amended by the Serious Organised Crime and Police Act 2005 ([c.15](#)), Schedule 4, paragraph 98(2)(c), and Schedule 17, paragraph 1 and by the 2012 Act, schedule 7, paragraph 14(3)(a).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in subsection (2)(10), after paragraph (g) insert—
 - “(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.”.
- (4) In section 95 (authorisations: form and duration etc.)(11), in subsection (6), for “or (e),” substitute “, (d), (e)”.
- (5) In section 105(3) (appeals)(12), for “, (c) or (d)” substitute “or (c)”.
- (6) In section 107(4) (supplementary provisions relating to Commissioners)—
 - (a) in paragraph (a)(13), for “police authority” substitute “the Scottish Police Authority”;
 - (b) after paragraph (b)(14) insert—
 - “(bza) the functions of the Police Investigations and Review Commissioner under section 33A(b)(i) of the Police, Public Order and Criminal Justice (Scotland) Act 2006,”.
- (7) In section 126 (interpretation of Part 5)—
 - (a) in the definition of “chief officer”(15), for sub-paragraph (ii) substitute—
 - “(ii) the chief constable of the Police Service of Scotland, and”;
 - (b) in the definition of “police authority”(16), for sub-paragraph (i) substitute—
 - “(i) the Scottish Police Authority, and”.

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- (10) Section 94(2)(g) was inserted by the Enterprise Act 2002 (c.40), section 200(3) and new paragraph (ga) was inserted by the 2012 Act, schedule 7, paragraph 14(3)(b). There are other amendments to section 94(2) not relevant to this Order.
 - (11) Section 95(6) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 99(2) and the 2012 Act, schedule 7, paragraph 14(4)(a).
 - (12) Section 105(3) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 101 and the 2012 Act, schedule 7, paragraph 14(5).
 - (13) Section 107(4) was amended by the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999/1747 (S.I. 1999/1747), Schedule 6, paragraph 2(5)(c), the Regulation of Investigatory Powers Act 2000 (c.23), Schedule 4, paragraph 8(10)(b), the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 102, the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 6(5), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 3, the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 222 and the 2012 Act, schedule 7, paragraph 14(6)(a).
 - (14) New paragraph (bza) is inserted by the 2012 Act, schedule 7, paragraph 14(6)(b).
 - (15) In section 126(1) the definition of “chief officer” was amended by the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 20(2)(b) and the 2012 Act, schedule 7, paragraph 14(8)(a).
 - (16) In section 126(1) the definition of “police authority” was amended by the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 20(3), the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16(3), paragraph 224 and the 2012 Act, schedule 7, paragraph 14(8)(b).