



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *International joint investigation teams*

#### **103 Liability in respect of members of teams**

(1) In section 88 of the 1996 Act (liability for wrongful acts of constables), after subsection (5) there shall be inserted—

“(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of a police force as if—

- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and
- (b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.

(7) In this section “international joint investigation team” means any investigation team formed in accordance with—

- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty;
- or

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*Status: Point in time view as at 01/10/2002. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Section 103. (See end of Document for details)*

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- (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 42 of the 1997 Act (liability for wrongful acts of police members of the NCIS), after subsection (5) there shall be inserted—
- “(5A) This section shall have effect where an international joint investigation team has been formed under the leadership of a member of NCIS as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor a member of NCIS were unlawful conduct of a constable under the direction and control of the Director General of NCIS; and
  - (b) subsection (4) applied to every member of that team to whom it would not apply apart from this subsection.
- (5B) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (5C) A statutory instrument containing an order under subsection (5B) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 86 of the 1997 Act (liability for wrongful acts of police members of the National Crime Squad), after subsection (5) there shall be inserted—
- “(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a member of the National Crime Squad as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor a member of the National Crime Squad were unlawful conduct of a constable under the direction and control of the Director General of that Squad; and
  - (b) subsection (4) applied to every member of that team to whom it would not apply apart from this subsection.
- (7) In this section “international joint investigation team” means any investigation team formed in accordance with—

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- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In section 39 of the Police (Scotland) Act 1967 (c. 77) (liability for wrongful acts of constables), after subsection (4) there shall be inserted—
  - “(5) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable of a police force as if—
    - (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief constable of that force; and
    - (b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.
  - (6) In this section “international joint investigation team” means any investigation team formed in accordance with—
    - (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
    - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
    - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
  - (7) A statutory instrument containing an order under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) In section 29 of the Police (Northern Ireland) Act 1998 (c. 32) (liability for wrongful acts of constables), after subsection (5) there shall be inserted—
  - “(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of the Police Service of Northern Ireland as if any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither—
    - (a) a constable, nor

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- (b) an employee of the Board,  
 were unlawful conduct of a constable under the direction and control of the Chief Constable.
- (7) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (6) Where—
- (a) any sums are paid by virtue of this section out of a police fund, the NCIS service fund or the NCS service fund, or by the Chief Constable of the Police Service of Northern Ireland, and
  - (b) in pursuance of any international obligation, the Secretary of State receives any sum by way of reimbursement, in whole or in part, of the sums paid out of that fund or by that Chief Constable,
- the Secretary of State shall pay into that fund or (as the case may be) to that Chief Constable the sums received by him by way of reimbursement.
- (7) Where—
- (a) any sums are paid by virtue of this section by a police authority in Scotland or a joint police board there, and
  - (b) in pursuance of an international obligation, the Secretary of State receives any sum by way of reimbursement, in whole or in part, of the sums so paid,
- the Secretary of State shall pay the sum received by him by way of reimbursement to the Scottish Ministers who shall pay it to that authority or board.

#### Commencement Information

- II** S. 103 wholly in force; s. 103 not in force at Royal Assent, see s. 108(2)(5); s. 103(1)-(3)(5)-(7) in force at 1.10.2002 by S. I. 2002/2306, art. 2(f)(xii); s. 103(4) in force at 1.10.2002 by S.S.I. 2002/420, art. 2

**Status:**

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**Changes to legislation:**

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