



Police Reform Act 2002

2002 CHAPTER 30

PART 6

MISCELLANEOUS

Liability for unlawful acts of constables etc.

102 Liability for wrongful acts of constables etc.

- (1) Each of the enactments specified in subsection (2) shall be amended as follows—
 - (a) for the words “torts committed by”, in each place where they occur, there shall be substituted “any unlawful conduct of”; and
 - (b) for “in respect of any such tort” there shall be substituted “, in the case of a tort,”.
- (2) The enactments are—
 - (a) section 88(1) of the 1996 Act (liability of chief officers);
 - (b) section 97(9) of that Act (liability of the Secretary of State);
 - (c) section 42(1) of the 1997 Act (liability of the Director General of NCIS);
 - (d) section 86(1) of that Act (liability of the Director General of the National Crime Squad);
 - (e) section 27(8) of the Police (Northern Ireland) Act 1998 (c. 32) (liability of the Secretary of State);
 - (f) section 29(1) of that Act (liability of the chief constable of the Police Service of Northern Ireland);
 - (g) paragraph 7(3) of Schedule 3 to that Act (liability of the Police Ombudsman); and
 - (h) paragraph 14(1) of Schedule 3 to the Criminal Justice and Police Act 2001 (c. 16) (liability of the Central Police Training and Development Authority).
- (3) In paragraph 7(1) of Schedule 8 to the 1997 Act (liability of Police Information Technology Organisation)—

Status: This is the original version (as it was originally enacted).

- (a) for “a tort committed by” there shall be substituted “any unlawful conduct of”;
 - (b) for “torts committed by” there shall be substituted “any unlawful conduct of”;
 - and
 - (c) for “in respect of any such tort” there shall be substituted “, in the case of a tort,”.
- (4) In each of the enactments specified in subsection (5), for “a tort committed by” there shall be substituted “any unlawful conduct of”.
- (5) The enactments are—
- (a) section 88(4)(a) of the 1996 Act (payments in respect of tort proceedings against constables and special constables);
 - (b) section 42(4)(a) of the 1997 Act (payments in respect of tort proceedings against members of, and constables serving with, NCIS);
 - (c) section 86(4)(a) of that Act (payments in respect of tort proceedings against members of, and constables serving with, the National Crime Squad);
 - (d) section 29(3)(a) of the Police (Northern Ireland) Act 1998 (payments in respect of tort proceedings against police officers in Northern Ireland); and
 - (e) paragraph 7(4)(a) of Schedule 3 to that Act (payment in respect of tort proceedings against police officers serving with, or assisting, the Police Ombudsman).
- (6) In section 42(6) of the 1997 Act (application to Scotland), paragraph (a) shall be omitted.
- (7) In section 39 (1) of the Police (Scotland) Act 1967 (c. 77) (liability for wrongful acts of constables)—
- (a) for “in reparation in respect of any wrongful act or omission” there shall be substituted “for any unlawful conduct”; and
 - (b) for “in respect of a wrongful act or omission” there shall be substituted “for any unlawful conduct”.
- (8) In section 39(4) of that Act, for “wrongful act or omission” there shall be substituted “unlawful conduct”.