



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

(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) ^{F1}

(3) ^{F1}

^{F2}(4)

(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
- (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 ^{F3} . . . 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.

^{F4}(7)

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Textual Amendments

- F1** S. 103(2)(3) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, Sch. 4 para. 189(2), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 12, 13(o) (subject to [art. 4\(2\)-\(7\)](#))
- F2** S. 103(4) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 39\(3\)](#)
- F3** Words in s. 103(6) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, Sch. 4 para. 189(3), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 12, 13(o) (subject to [art. 4\(2\)-\(7\)](#))
- F4** S. 103(7) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 39\(3\)](#)

Commencement Information

- I1** 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](#)

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