
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Liability of NCA for unlawful acts. (See end of Document for details)

SCHEDULES

SCHEDULE 4

NCA: GENERAL

Liability of NCA for unlawful acts

- 2 (1) In any of the following cases, the NCA is liable in respect of unlawful conduct of a person in the same manner as an employer is liable in respect of unlawful conduct of employees in the course of their employment.
- (2) The first case is where the unlawful conduct is conduct of a constable or other person which occurs when the person is carrying out, or purporting to carry out, functions whilst—
- (a) seconded to the NCA to serve as an NCA officer, or
 - (b) provided for the assistance of the NCA under Part 3 of Schedule 3.
- (3) The second case is where the unlawful conduct is conduct of a person (other than an NCA officer) who is a member of an NCA-led international joint investigation team which occurs when the person is carrying out, or purporting to carry out, functions as a member of the team.
- (4) The third case is where the unlawful conduct is conduct of a person carrying out surveillance under section 76A of the Regulation of Investigatory Powers Act 2000 (foreign surveillance operations).
- (5) If (in any of those cases) the unlawful conduct is a tort, the NCA is accordingly to be treated as a joint tortfeasor.
- (6) If—
- (a) the NCA pays a sum by virtue of this paragraph, and
 - (b) the Secretary of State receives under any international agreement a sum by way of reimbursement (in whole or in part) of the sum paid by the NCA,
- the Secretary of State must pay to the NCA the sum received by way of reimbursement.
- (7) This paragraph does not affect the liability of the NCA for the conduct of NCA officers.
- (8) References in this paragraph to unlawful conduct by a person include references to unlawful conduct by a person in reliance, or purported reliance, on a designation under section 9 or 10.

Modifications etc. (not altering text)

- C1** Sch. 4 para. 2 excluded by 1974 c. 37, s. 51A(2D)(2E)(f) (as substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 21\(3\)](#); S.I. 2013/1682, art. 3(v))

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C2 Sch. 4 para. 2 modified (31.7.2017) by The Criminal Justice (European Investigation Order) Regulations 2017 (S.I. 2017/730), regs. 1(1), **34(9)(a)** (with regs. 3, 34(1))

Commencement Information

I1 Sch. 4 para. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(k)**

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