*Changes to legislation: Police Reform Act 2002, Cross Heading: Liability for unlawful acts of constables
etc. is up to date with all changes known to be in force on or before 20 April 2024. There are changes
that may be brought into force at a future date. Changes that have been made appear in the content
and are referenced with annotations. (See end of Document for details) View outstanding changes*

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) ^{F1}. . . . .
  (d) ^{F1}. . . . .
  (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) ^{F2}. . . . .

(3) ^{F2}. . . . .

(4) In each of the enactments specified in subsection (5), for "a tort committed by" there shall be substituted " any unlawful conduct of ".

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(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)   **F3** . . . .

    (c)   **F3** . . . .

    (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 ".

Textual Amendments

F1   S. 102(2)(c)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 188(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F2   S. 102(2)(h)(3) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F3   S. 102(5)(b)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 188(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Commencement Information

I1   S. 102 wholly in force; s. 102 not in force at Royal Assent, see s. 108(2)(5); s. 102(1) - (6) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(xi)**; s. 102(7)(8) in force at 1.10.2002 by S.S.I. 2002/420, **art. 2**

Changes to legislation:
Police Reform Act 2002, Cross Heading: Liability for unlawful acts of constables etc. is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

> **Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**
> Whole provisions yet to be inserted into this Act (including any effects on those provisions):
>
> – s. 26F inserted by 2023 c. 41 Sch. 13 para. 6
> – s. 28A(6A)(6B) inserted by 2023 c. 41 s. 45(2)