

**2009 No. 3269**

**POLICE**

**The International Joint Investigation Teams (International Agreement) Order 2009**

*Made* - - - - - *9th December 2009*

*Laid before Parliament* *14th December 2009*

*Coming into force in accordance with Article 1*

In exercise of the powers conferred by sections 39(6)(c)(a) and 41(5)(c)(b) of the Police (Scotland) Act 1967(c), sections 88(7)(c)(d) and 89(5)(c)(e) of the Police Act 1996(f), sections 29(7)(c)(g) and 66(6)(c)(h) of the Police (Northern Ireland) Act 1998(i) and sections 30(5)(c) and 57(6)(c) of the Serious Organised Crime and Police Act 2005(j), and with the consent of the Scottish Ministers, the Secretary of State makes the following Order:

1. This Order may be cited as the International Joint Investigation Teams (International Agreement) Order 2009 and shall come into force on the first day of the month following the expiry of three months from the date on which the United Kingdom deposits an instrument of ratification in respect of the Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters(k) with the Secretary General of the Council of Europe(l).

2. The Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters is specified for the purposes of—

- (a) sections 39(6)(c) and 41(5)(c) of the Police (Scotland) Act 1967;
- (b) sections 88(7)(c) and 89(5)(c) of the Police Act 1996;
- (c) sections 29(7)(c) and 66(6)(c) of the Police (Northern Ireland) Act 1998; and
- (d) sections 30(5)(c) and 57(6)(c) of the Serious Organised Crime and Police Act 2005.

Home Office  
9th December 2009

*West of Spithead*  
Parliamentary Under Secretary of State

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(a) Section 39(6)(c) was inserted by section 103(4) of the Police Reform Act 2002 (c.30) ('the 2002 Act').  
(b) Section 41(5)(c) was inserted by section 104(2) of the 2002 Act.  
(c) 1967 c.77.  
(d) Section 88(7)(c) was inserted by section 103(1) of the 2002 Act.  
(e) Section 89(5)(c) was inserted by section 104(1) of the 2002 Act.  
(f) 1996 c.16.  
(g) Section 29(7)(c) was inserted by section 103(5) of the 2002 Act.  
(h) Section 66(6)(c) was inserted by section 104(3) of the 2002 Act.  
(i) 1998 c.32.  
(j) 2005 c.15.  
(k) Cmnd 5603 of 2002.  
(l) The Council of Europe provides notification as to the ratification of Council of Europe instruments on the following page of its website: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=182&CM=8&DF=1/28/2009&CL=ENG>.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 20 of the Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters ('the Second Additional Protocol') provides an international framework pursuant to which parties to the Second Additional Protocol can establish joint investigation teams for the purpose of conducting criminal investigations.

Article 21 of the Second Additional Protocol requires that, save where otherwise agreed, the party in whose territory a joint investigation team is operating ('the hosting party') shall ensure that officials of any other party ('a contributing party') shall be regarded as officials of the hosting party for the purpose of any offences committed by or against them.

Article 22 of the Second Additional Protocol requires that where officials of a contributing party are within the territory of the hosting party, the hosting party shall be liable for any damage caused by them during their operations as part of a joint investigation team.

By specifying the Second Additional Protocol for the purpose of sections 39(6)(c) and 41(5)(c) of the Police (Scotland) Act 1967 (which were inserted into that Act by sections 103(4) and 104(2) of the Police Reform Act 2002 ('the 2002 Act') respectively), sections 88(7)(c) and 89(5)(c) of the Police Act 1996 (which were inserted into that Act by sections 103(1) and 104(1) of the 2002 Act respectively), sections 29(7)(c) and 66(6)(c) of the Police (Northern Ireland) Act 1998 (which were inserted into that Act by sections 103(5) and 104(3) of the 2002 Act respectively) and sections 30(5)(c) and 57(6)(c) of the Serious Organised Crime and Police Act 2005, this Order ensures that the United Kingdom can comply with the obligations set out above where a joint investigation team is operating in the UK.

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£4.00