

These notes refer to the Crime (International Co-operation) Act 2003 (c.32) which received Royal Assent on 30 October 2003

CRIME (INTERNATIONAL CO-OPERATION) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Miscellaneous

Section 85: Liability in respect of foreign officers

163. This section implements Article 43 of the Schengen Convention, which establishes that in the first instance the state in whose territory the surveillance operation is being undertaken, is liable to cover the cost of any damage foreign surveillance officers may commit, or legal action to which they may be subject. The UK has decided that NCIS should be responsible for such liabilities in the first instance in relation to persons carrying out surveillance under new section 76A of RIPA. Under the Schengen Convention, such sums may be recovered from the foreign state. Subsection (3) provides that such sums received from abroad by the Secretary of State shall be paid into the NCIS service fund.