



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Serious fraud*

#### **164 Extension of powers of Serious Fraud Office and of powers to investigate serious fraud in Scotland.**

- (1) <sup>F1</sup> .....
- (2) Section 2 of the <sup>M1</sup>Criminal Justice Act 1987 (investigative powers of Director of Serious Fraud Office) shall be amended as follows—
- (a) in subsection (1), for the words from “the Attorney-General” to “the request” there shall be substituted “ an authority entitled to make such a request ”;
  - (b) after subsection (1), there shall be inserted the following subsections—
    - “(1A) The authorities entitled to request the Director to exercise his powers under this section are—
      - (a) the Attorney-General of the Isle of Man, Jersey or Guernsey, acting under legislation corresponding to section 1 of this Act and having effect in the Island whose Attorney-General makes the request; and
      - (b) the Secretary of State acting under section 4(2A) of the <sup>M2</sup>Criminal Justice (International Co-operation) Act 1990, in response to a request received by him from an overseas court, tribunal or authority (an “overseas authority”).
    - (1B) The Director shall not exercise his powers on a request from the Secretary of State acting in response to a request received from an

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*Changes to legislation: Criminal Justice and Public Order Act 1994, Section 164 is up to date with all changes known to be in force on or before 06 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*

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overseas authority within subsection (1A)(b) above unless it appears to the Director on reasonable grounds that the offence in respect of which he has been requested to obtain evidence involves serious or complex fraud.”;

(c) after subsection (8), there shall be inserted the following subsections—

“(8A) Any evidence obtained by the Director for use by an overseas authority shall be furnished by him to the Secretary of State for transmission to the overseas authority which requested it.

(8B) If in order to comply with the request of the overseas authority it is necessary for any evidence obtained by the Director to be accompanied by any certificate, affidavit or other verifying document, the Director shall also furnish for transmission such document of that nature as may be specified by the Secretary of State when asking the Director to obtain the evidence.

(8C) Where any evidence obtained by the Director for use by an overseas authority consists of a document the original or a copy shall be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request of the overseas authority.”; and

(d) in subsection (18), at the end, there shall be inserted the words “; and “evidence” (in relation to subsections (1A)(b), (8A), (8B) and (8C) above) includes documents and other articles.”.

(3) [<sup>F2</sup>In section 51(1) of the <sup>M3</sup>Criminal Justice (Scotland) Act 1987 (investigative powers of Lord Advocate as respects serious or complex fraud), at the end there shall be added “; and he may also give such a direction by virtue of section 4(2B) of the <sup>M4</sup>Criminal Justice (International Co-operation) Act 1990 or on a request being made to him by the Attorney-General of the Isle of Man, Jersey or Guernsey acting under legislation corresponding to this section and sections 52 to 54 of this Act.”.]

(4) [<sup>F3</sup>In section 52 of the <sup>M5</sup>Criminal Justice (Scotland) Act 1987 (investigation by nominated officer)—

(a) after subsection (7) there shall be inserted—

“(7A) Any evidence obtained by the Lord Advocate by virtue of section 4(2B) of the Criminal Justice (International Co-operation) Act 1990 shall be furnished by him to the Secretary of State for transmission to the overseas authority in compliance with whose request (in the following subsections referred to as the “relevant request”) it was so obtained.

(7B) If, in order to comply with the relevant request it is necessary for that evidence to be accompanied by any certificate, affidavit or other verifying document, the Lord Advocate shall also furnish for transmission such document of that nature as appears to him to be appropriate.

(7C) Where any evidence obtained by virtue of the said section 4(2B) consists of a document, the original or a copy shall be transmitted and where it consists of any other article the article itself or a description,

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- photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the relevant request.”; and
- (b) in subsection (8), after the definition of “documents” there shall be inserted—
- ““evidence”, in relation to a relevant request, includes documents and other articles;”.]

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#### Textual Amendments

- F1** S. 164(1) repealed (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 94, 91, [Sch. 6](#); S.I. 2004/786, [art. 3\(3\)](#)
- F2** S. 164(3) repealed (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 7 para. 20](#); S.S.I. 2011/178, art. 2, sch.
- F3** S. 164(4) repealed (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 7 para. 20](#); S.S.I. 2011/178, art. 2, sch.
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#### Marginal Citations

- M1** 1987 c. 38.
- M2** 1990 c. 5.
- M3** 1987 c. 41.
- M4** 1990 c. 5.
- M5** 1987 c. 41.

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**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. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)