

*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

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## EXPLANATORY NOTES

### SUMMARY

3. The Act extends to the whole of the UK, with the following exceptions:
  - sections 32 to 36 extend only to England and Wales and Northern Ireland (requests for information about banking transactions in England and Wales and Northern Ireland for use abroad);
  - sections 37 to 41 extend only to Scotland (requests for information about banking transactions in Scotland for use abroad).
4. The Act is in five Parts, and contains six Schedules.

### **Part 1: Mutual Assistance in Criminal Matters**

5. **Part 1** largely replaces the UK's mutual legal assistance legislation, contained in Part 1 of the Criminal Justice (International Co-operation) Act 1990, which enabled the UK to request and provide assistance to all countries. It implements the mutual legal assistance provisions of the Schengen Implementing Convention of 14<sup>th</sup> June 1985 (the "Schengen Convention"), the Convention on Mutual Assistance in Criminal Matters 2000 (the "MLAC"), and the evidence-freezing provisions of the 2003 Framework Decision on the execution in the European Union of orders freezing property or evidence adopted by the Council of the European Union on 22<sup>nd</sup> July 2003 (the "2003 Framework Decision"). Chapter 4 of Part 1 implements the 2001 Protocol to the Convention on Mutual Assistance in Criminal Matters (the "2001 Protocol") which creates obligations for participating countries to respond to requests for assistance with locating banking accounts and to provide banking information relating to criminal investigations.

### **Part 2: Terrorist Acts and Threats: Jurisdiction**

6. **Part 2** implements the Framework Decision of 13<sup>th</sup> June 2002 on combating terrorism (the "2002 Framework Decision"), insofar as it requires the UK to take extra-territorial jurisdiction over a range of terrorist offences.

### **Part 3: Road Traffic**

7. **Part 3** implements the Convention on Driving Disqualification of 17<sup>th</sup> June 1998 drawn up on the basis of Article K.3 of the Treaty on European Union (the "Convention") which introduces the mutual recognition of driving disqualifications. Part 3 also introduces new measures to prevent drivers banned from driving in Northern Ireland from obtaining a British driving licence or vice versa.

**Part 4: Miscellaneous**

8. **Part 4** implements additional measures set out in the Schengen Convention in the area of police co-operation, extradition and data protection. Part 4 also contains provisions which are necessary to enable the UK to implement the Framework Decision of 28<sup>th</sup> May 2001 on combating fraud and counterfeiting of non-cash means of payment (the “2001 Framework Decision”), and implements, in relation to terrorist property, the 2003 Framework Decision.

**Part 5: Final Provisions**

9. **Part 5** contains amendments and repeals, and other miscellaneous provisions.

*Schedules 1 to 6*

10. A brief explanation of the Schedules follows in these explanatory notes in the Commentary on Sections.