

Changes to legislation: Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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

SCHEDULES

SCHEDULE 1

Section 15

PROCEEDINGS OF A NOMINATED COURT UNDER SECTION 15

Securing attendance of witnesses

- 1 The court has the like powers for securing the attendance of a witness as it has for the purposes of other proceedings before the court.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-3 applied (8.3.2018) by [The United Nations \(International Residual Mechanism for Criminal Tribunals\) Order 2018 \(S.I. 2018/187\)](#), arts. 1(1), **23(6)(a)** (with art. 3)

Commencement Information

- I1** Sch. 1 para. 1 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

- 2 In Scotland the court has power to issue a warrant to officers of law to cite witnesses, and section 156 of the Criminal Procedure (Scotland) Act 1995 (c. 46) applies in relation to a witness so cited.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-3 applied (8.3.2018) by [The United Nations \(International Residual Mechanism for Criminal Tribunals\) Order 2018 \(S.I. 2018/187\)](#), arts. 1(1), **23(6)(a)** (with art. 3)

Commencement Information

- I2** Sch. 1 para. 2 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

Power to administer oaths

- 3 The court may take evidence on oath.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-3 applied (8.3.2018) by [The United Nations \(International Residual Mechanism for Criminal Tribunals\) Order 2018 \(S.I. 2018/187\)](#), arts. 1(1), **23(6)(a)** (with art. 3)

Commencement Information

- I3** Sch. 1 para. 3 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

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Proceedings

- 4 Rules of court under section 49 may, in particular, make provision in respect of the persons entitled to appear or take part in the proceedings and for excluding the public from the proceedings.

Commencement Information

I4 Sch. 1 para. 4 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

Privilege of witnesses

- 5 (1) A person cannot be compelled to give any evidence which he could not be compelled to give—
- (a) in criminal proceedings in the part of the United Kingdom in which the nominated court exercises jurisdiction, or
 - (b) subject to sub-paragraph (2), in criminal proceedings in the country from which the request for the evidence has come.
- (2) Sub-paragraph (1)(b) does not apply unless the claim of the person questioned to be exempt from giving the evidence is conceded by the court or authority which made the request.
- (3) Where the person's claim is not conceded, he may be required to give the evidence to which the claim relates (subject to the other provisions of this paragraph); but the evidence may not be forwarded to the court or authority which requested it if a court in the country in question, on the matter being referred to it, upholds the claim.
- (4) A person cannot be compelled to give any evidence if his doing so would be prejudicial to the security of the United Kingdom.
- (5) A certificate signed by or on behalf of the Secretary of State or, where the court is in Scotland, the Lord Advocate to the effect that it would be so prejudicial for that person to do so is conclusive evidence of that fact.
- (6) A person cannot be compelled to give any evidence in his capacity as an officer or servant of the Crown.
- (7) Sub-paragraphs (4) and (6) are without prejudice to the generality of sub-paragraph (1).

Modifications etc. (not altering text)

C2 Sch. 1 para. 5 applied (with modifications) (8.3.2018) by [The United Nations \(International Residual Mechanism for Criminal Tribunals\) Order 2018 \(S.I. 2018/187\)](#), arts. 1(1), **23(6)(b)** (with art. 3)

Commencement Information

I5 Sch. 1 para. 5 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

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Forwarding evidence

- 6 (1) The evidence received by the court is to be given to the court or authority that made the request or to the territorial authority for forwarding to the court or authority that made the request.
- (2) So far as may be necessary in order to comply with the request—
- (a) where the evidence consists of a document, the original or a copy is to be provided,
 - (b) where it consists of any other article, the article itself, or a description, photograph or other representation of it, is to be provided.

Modifications etc. (not altering text)

- C3** Sch. 1 para. 6 functions of Secretary of State made exercisable by the Commissioners (E.W.N.I.) (23.3.2005) by [Crime \(International Co-operation\) Act 2003 \(Exercise of Functions\) Order 2005 \(S.I. 2005/425\)](#), arts. 1(1), **3**, 8

Commencement Information

- I6** Sch. 1 para. 6 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

Supplementary

- 7 The Bankers' Books Evidence Act 1879 (c. 11) applies to the proceedings as it applies to other proceedings before the court.

Modifications etc. (not altering text)

- C4** Sch. 1 para. 7 applied (8.3.2018) by [The United Nations \(International Residual Mechanism for Criminal Tribunals\) Order 2018 \(S.I. 2018/187\)](#), arts. 1(1), **23(6)(a)** (with art. 3)

Commencement Information

- I7** Sch. 1 para. 7 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

- 8 No order for costs may be made.

Modifications etc. (not altering text)

- C5** Sch. 1 para. 8 applied (8.3.2018) by [The United Nations \(International Residual Mechanism for Criminal Tribunals\) Order 2018 \(S.I. 2018/187\)](#), arts. 1(1), **23(6)(a)** (with art. 3)

Commencement Information

- I8** Sch. 1 para. 8 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

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^{F1}^{F2}SCHEDULE 1A

section 28(5)

LISTED OFFENCES WITHIN SECTION 28(5)(A)

Textual Amendments

- F1** Sch. 1A inserted (S.) (with minor differences in punctuation and in the numbering of the last six paragraphs) (16.5.2022) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(EU Exit\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/95\)](#), regs. 1, 4
- F2** Sch. 1A inserted (E.W.N.I.) (1.10.2021) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(England and Wales and Northern Ireland\) Regulations 2021 \(S.I. 2021/987\)](#), regs. 1, 3(3)

The following offences, as they are defined by the law of the issuing State, and if they are punishable in the issuing State by a custodial sentence of a maximum period of at least three years—

- (a) participation in a criminal organisation;
- (b) terrorism;
- (c) trafficking in human beings;
- (d) sexual exploitation of children and child pornography;
- (e) illicit trafficking in narcotic drugs and psychotropic substances;
- (f) illicit trafficking in weapons, munitions and explosives;
- (g) corruption;
- (h) fraud;
- (i) laundering of the proceeds of crime;
- (j) counterfeiting currency;
- (k) computer-related crime;
- (l) environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- (m) facilitation of unauthorised entry and residence;
- (n) murder or grievous bodily injury;
- (o) illicit trade in human organs and tissue;
- (p) kidnapping, illegal restraint and hostage-taking;
- (q) racism and xenophobia;
- (r) organised or armed robbery;
- (s) illicit trafficking in cultural goods, including antiques and works of art;
- (t) swindling;
- (u) racketeering and extortion;
- (v) counterfeiting and piracy of products;
- (w) forgery of, or trafficking in, administrative documents;
- (x) forgery of means of payment;
- (y) illicit trafficking in hormonal substances and other growth promoters;
- (z) illicit trafficking in nuclear or radioactive materials;
- (za) [^{F1}(z1)] trafficking in stolen vehicles;
- (zb) [^{F1}(z2)] rape;
- (zc) [^{F1}(z3)] arson;
- (zd) [^{F1}(z4)] crimes within the jurisdiction of the International Criminal Court;

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- (ze) [F1(z5)] unlawful seizure of aircraft or ships;
- (zf) [F1(z6)] sabotage.]

[F3]SCHEDULE 1B

section 28(7)

CERTIFICATE UNDER SECTION 11(4) OR 20(5): SPECIFIED INFORMATION

Extent Information

- E1** This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

- F3** Sch. 1B inserted (E.W.N.I.) (1.10.2021) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(England and Wales and Northern Ireland\) Regulations 2021 \(S.I. 2021/987\)](#), regs. 1, **3(3)**

1. (1) Details of either or both of the following, including name, contact details (address, e-mail address and telephone number) and any relevant reference number—
 - (a) the judicial authority which issued the freezing order;
 - (b) the authority competent for the enforcement of the freezing order in the issuing State.
- (2) In the case of any authority specified under sub-paragraph (1)—
 - (a) languages in which it is possible to communicate with that authority;
 - (b) contact details (including languages in which it is possible to communicate with the person) of the person to contact if additional information on the execution of the order is necessary or to make necessary practical arrangements for the transfer of evidence (if applicable).
- (3) If different authorities are specified under paragraphs (a) and (b) of sub-paragraph (1)—
 - (a) that both of them must be contacted, or
 - (b) (if that is not the case) which one must be contacted.
2. Where a central authority has been made responsible for the transmission and administrative reception of freezing orders, details of that authority, including name, contact details (address, e-mail address and telephone number) and any relevant reference number.
3. The date, purpose and reference number of the freezing order.
4. The formalities and procedures to be observed when executing a freezing order concerning evidence (if applicable).
5. The following information regarding the evidence in the executing State covered by the freezing order—
 - (a) precise description of the evidence;
 - (b) exact location of the evidence (or, if not known, the last known location);
 - (c) party having custody of the evidence or known beneficial owner of the evidence, if different from the person suspected of the offence or convicted (if applicable under the national law of the issuing State).

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6. The following information regarding the identity of the natural or legal person suspected of the offence or convicted (if applicable under the national law of the issuing State) and/or the person to whom the freezing order relates (if available)—
- (a) in the case of natural persons—
 - (i) name;
 - (ii) forename;
 - (iii) other relevant name, if applicable;
 - (iv) aliases, where applicable;
 - (v) sex;
 - (vi) nationality;
 - (vii) date of birth;
 - (viii) place of birth;
 - (xi) residence and/or known address; if address not known, the last known address;
 - (x) language which the person understands (if known);
 - (b) in the case of legal persons—
 - (i) name;
 - (ii) form of legal person;
 - (iii) registration number;
 - (iv) registered seat.
7. (1) A description of the relevant grounds for the freezing order and a summary of facts as known to the judicial authority issuing the freezing order and certificate.
- (2) Information as to the nature and legal classification of the offence and the applicable statutory provision or code on the basis of which the freezing order was made.
- (3) If the offence is a listed offence by virtue of section 28(5)(a) an indication as to which one or more of the following offences that offence relates to—
- (a) participation in a criminal organisation;
 - (b) terrorism;
 - (c) trafficking in human beings;
 - (d) sexual exploitation of children and child pornography;
 - (e) illicit trafficking in narcotic drugs and psychotropic substances;
 - (f) illicit trafficking in weapons, munitions and explosives;
 - (g) corruption;
 - (h) fraud;
 - (i) laundering of the proceeds of crime;
 - (j) counterfeiting currency;
 - (k) computer-related crime;
 - (l) environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
 - (m) facilitation of unauthorised entry and residence;
 - (n) murder or grievous bodily injury;
 - (o) illicit trade in human organs and tissue;
 - (p) kidnapping, illegal restraint and hostage-taking;
 - (q) racism and xenophobia;
 - (r) organised or armed robbery;

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- (s) illicit trafficking in cultural goods, including antiques and works of art;
 - (t) swindling;
 - (u) racketeering and extortion;
 - (v) counterfeiting and piracy of products;
 - (w) forgery of, or trafficking in, administrative documents;
 - (x) forgery of means of payment;
 - (y) illicit trafficking in hormonal substances and other growth promoters;
 - (z) illicit trafficking in nuclear or radioactive materials;
 - (za) trafficking in stolen vehicles;
 - (zb) rape;
 - (zc) arson;
 - (zd) crimes within the jurisdiction of the International Criminal Court;
 - (ze) unlawful seizure of aircraft or ships;
 - (zf) sabotage.
- (4) A full description of any offence (not covered by sub-paragraph (3)) that is a listed offence by virtue of section 28(5)(b).
8. Details of legal remedies against the freezing order for interested parties, including bona fide third parties, available in the issuing State, including—
- (a) description of the legal remedies available including necessary steps to take;
 - (b) court before which the action may be taken;
 - (c) information as to those for whom the action is available;
 - (d) time limit for submission of the action;
 - (e) details of authority in the issuing State who can supply further information on procedures for submitting appeals in the issuing State and on whether the legal assistance and translation is available, including name, address, e-mail address and telephone number.]

[^{F4}SCHEDULE 1B

Section 28(7)

CERTIFICATE UNDER SECTION 11(4) OR 20(5): SPECIFIED INFORMATION

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only

Textual Amendments

F4 Sch. 1B inserted (S.) (16.5.2022) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(EU Exit\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/95\)](#), regs. 1, 4

1. (1) Details of either or both of the following, including name, contact details (address, e-mail address and telephone number) and any relevant reference number—
- (a) the judicial authority which issued the freezing order,
 - (b) the authority competent for the enforcement of the freezing order in the issuing State.

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- (2) In the case of any authority specified under sub-paragraph (1)—
 - (a) languages in which it is possible to communicate with that authority,
 - (b) contact details of the person to contact if additional information on the execution of the freezing order is necessary or to make necessary practical arrangements for the transfer of evidence (if applicable).
- (3) If different authorities are specified under paragraphs (a) and (b) of sub-paragraph (1) confirmation—
 - (a) that both authorities must be contacted, or
 - (b) of which authority should be contacted.
2. Where an authority has been made responsible for the transmission and administrative reception of freezing orders (“central authority”) in the issuing State, details of the central authority, including name, contact details (address, e-mail address and telephone number) and any relevant reference number.
3. The date, purpose and reference number of the freezing order.
4. The formalities and procedures to be observed when executing a freezing order concerning evidence (if applicable).
5. The following information regarding the evidence in the executing State covered by the freezing order—
 - (a) precise description of the evidence,
 - (b) exact location of the evidence (or, if not known, the last known location),
 - (c) party having custody of the evidence or known beneficial owner of the evidence, if different from the person suspected of the offence or convicted (if applicable under the national law of the issuing State).
6. The following information regarding the identity of the natural or legal person suspected of the offence or convicted (if applicable under the national law of the issuing State) or the person to whom the freezing order relates (if available)—
 - (a) in the case of natural persons—
 - (i) surname,
 - (ii) forename,
 - (iii) other relevant name where applicable,
 - (iv) aliases, where applicable,
 - (v) sex,
 - (vi) nationality,
 - (vii) date of birth,
 - (viii) place of birth,
 - (ix) residence or known address/ last known address,
 - (x) language which the person understands (if known),
 - (b) in the case of legal persons—
 - (i) name,
 - (ii) form of legal person,
 - (iii) registration number (if any),
 - (iv) registered seat (if any).
7. The action to be taken by the executing State after executing the freezing order.

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8.
 - (1) A description of the relevant grounds for the freezing order and a summary of facts as known to the judicial authority issuing the freezing order and certificate.
 - (2) Information as to the nature and legal classification of the offence and the applicable statutory provision or code on the basis of which the freezing order was made.
 - (3) If the offence is a listed offence by virtue of section 28(5)(a), an indication as to which one or more of the offences listed in schedule 1A that offence relates to.
 - (4) A full description of any offence (not covered by sub-paragraph (3)) that is a listed offence by virtue of section 28(5)(b).
9. Details of legal remedies against the freezing order for interested parties, including third parties, available in the issuing State, including—
 - (a) description of the legal remedies available including necessary steps to take,
 - (b) court before which the action may be taken,
 - (c) information as to those for whom the action is available,
 - (d) time limit for submission of the action,
 - (e) details of authority in the issuing State who can supply further information on procedures for submitting appeals in the issuing State and on whether the legal assistance and translation is available, including name, address, e-mail address and telephone number.]

SCHEDULE 2

Sections 30 and 31

EVIDENCE GIVEN BY TELEVISION LINK OR TELEPHONE

PART 1

EVIDENCE GIVEN BY TELEVISION LINK

Securing attendance of witnesses

- 1 The nominated court has the like powers for securing the attendance of the witness to give evidence through the link as it has for the purpose of proceedings before the court.

Commencement Information

19 Sch. 2 para. 1 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 2 In Scotland the nominated court has power to issue a warrant to officers of law to cite the witness for the purpose of securing his attendance to give evidence through the link, and section 156 of the Criminal Procedure (Scotland) Act 1995 (c. 46) applies in relation to the witness if so cited.

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Commencement Information

I10 Sch. 2 para. 2 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

Conduct of hearing

3 The witness is to give evidence in the presence of the nominated court.

Commencement Information

I11 Sch. 2 para. 3 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

4 The nominated court is to establish the identity of the witness.

Commencement Information

I12 Sch. 2 para. 4 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

5 The nominated court is to intervene where it considers it necessary to do so to safeguard the rights of the witness.

Commencement Information

I13 Sch. 2 para. 5 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

6 The evidence is to be given under the supervision of the court of the country concerned.

Commencement Information

I14 Sch. 2 para. 6 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

7 The evidence is to be given in accordance with the laws of that country and with any measures for the protection of the witness agreed between the Secretary of State and the authority in that country which appears to him to have the function of entering into agreements of that kind.

Commencement Information

I15 Sch. 2 para. 7 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

8 Rules of court under section 49 must make provision for the use of interpreters.

Commencement Information

I16 Sch. 2 para. 8 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

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Privilege of witness

- 9 (1) The witness cannot be compelled to give any evidence which he could not be compelled to give in criminal proceedings in the part of the United Kingdom in which the nominated court exercises jurisdiction.
- (2) The witness cannot be compelled to give any evidence if his doing so would be prejudicial to the security of the United Kingdom.
- (3) A certificate signed by or on behalf of the Secretary of State or, where the court is in Scotland, the Lord Advocate to the effect that it would be so prejudicial for that person to do so is to be conclusive evidence of that fact.
- (4) The witness cannot be compelled to give any evidence in his capacity as an officer or servant of the Crown.
- (5) Sub-paragraphs (2) and (4) are without prejudice to the generality of sub-paragraph (1).

Commencement Information

I17 Sch. 2 para. 9 in force at 26.4.2004 by [S.I. 2004/786, art. 3](#)

Record of hearing

- 10 Rules of court under section 49 must make provision—
- (a) for the drawing up of a record of the hearing,
- (b) for sending the record to the external authority.

Commencement Information

I18 Sch. 2 para. 10 in force at 26.4.2004 by [S.I. 2004/786, art. 3](#)

PART 2

EVIDENCE GIVEN BY TELEPHONE

Notification of witness

- 11 The nominated court must notify the witness of the time when and the place at which he is to give evidence by telephone.

Commencement Information

I19 Sch. 2 para. 11 in force at 26.4.2004 by [S.I. 2004/786, art. 3](#)

Conduct of hearing

- 12 The nominated court must be satisfied that the witness is willingly giving evidence by telephone.

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Commencement Information

I20 Sch. 2 para. 12 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

13 The witness is to give evidence in the presence of the nominated court.

Commencement Information

I21 Sch. 2 para. 13 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

14 The nominated court is to establish the identity of the witness.

Commencement Information

I22 Sch. 2 para. 14 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

15 The evidence is to be given under the supervision of the court of the participating country.

Commencement Information

I23 Sch. 2 para. 15 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

16 The evidence is to be given in accordance with the laws of that country.

Commencement Information

I24 Sch. 2 para. 16 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

17 Rules of court under section 49 must make provision for the use of interpreters.

Commencement Information

I25 Sch. 2 para. 17 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

SCHEDULE 3

Section 54

OFFENCES FOR THE PURPOSES OF SECTION 54^{F5}: GREAT BRITAIN]

Textual Amendments

F5 Words in Sch. 3 heading inserted (with effect from 1.8.2017 in accordance with [S.I. 2017/189](#), [art. 3](#) and [London Gazette notice dated 1.8.2017 \(Issue 62012 page 14601\)](#)) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [s. 95\(1\)](#), [Sch. 7 para. 19\(2\)](#) (with [Sch. 7 para. 27](#)); [S.I. 2017/189](#), [art. 3](#)

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PART 1

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR A MINIMUM PERIOD UNNECESSARY

1 (1) Manslaughter or culpable homicide by the driver of a motor vehicle.

[^{F6}(2) “Driver” has the same meaning as in the Road Traffic Act 1988.]

Textual Amendments

F6 Sch. 3 para. 1(2) substituted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\)](#), [Sch. 7 para. 19\(3\)](#) (with [Sch. 7 para. 27](#)); S.I. 2017/189, art. 3

Commencement Information

I26 Sch. 3 para. 1 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009, art. 2\(1\)\(2\)\(b\)\(3\)](#)

2 An offence under section 89(1) of the Road Traffic Regulation Act 1984 (c. 27) ^{F7}... (exceeding speed limit).

Textual Amendments

F7 Words in Sch. 3 para. 2 omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\)](#), [Sch. 7 para. 19\(4\)](#) (with [Sch. 7 para. 27](#)); S.I. 2017/189, art. 3

Commencement Information

I27 Sch. 3 para. 2 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009, art. 2\(1\)\(2\)\(b\)\(3\)](#)

3 ^{F8}An offence under any of the following sections of the Road Traffic Act 1988 ...—

(a) section 1 ^{F9}... (causing death by dangerous driving),

[^{F10}(aa) section 1A (causing serious injury by dangerous driving),]

(b) section 2 ^{F11}... (dangerous driving),

[^{F12}(ba) section 2B (causing death by careless, or inconsiderate, driving),]

[^{F13}(bb) section 2C (causing serious injury by careless, or inconsiderate, driving),]

(c) section 3 ^{F14}... (careless, and inconsiderate, driving),

[^{F15}(ca) section 3ZB (causing death by driving: unlicensed^{F16}... or uninsured drivers),]

[^{F17}(cb) section 3ZC (causing death by driving: disqualified drivers),]

(cc) section 3ZD (causing serious injury by driving: disqualified drivers),]

(d) section 3A ^{F18}... (causing death by careless driving when under influence of drink or drugs),

(e) section 4 ^{F19}... (driving, or being in charge, when under influence of drink or drugs),

(f) section 5 ^{F20}... (driving, or being in charge, of a motor vehicle with alcohol concentration above prescribed limit),

[^{F21}(fa) section 5A (driving, or being in charge, of a motor vehicle with concentration of specified controlled drug above specified limit),]

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

- (g) section 6 ^{F22} ... (failing to provide a specimen of breath for a breath test),
- (h) section 7 ^{F23} ... (failing to provide specimen for analysis or laboratory test).

Textual Amendments

- F8** Words in Sch. 3 para. 3 omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(a\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3
- F9** Words in Sch. 3 para. 3(a) omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(b\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3
- F10** Sch. 3 para. 3(aa) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 27 para. 10](#); S.I. 2012/2770, art. 2(g)
- F11** Words in Sch. 3 para. 3(b) omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(c\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3
- F12** Sch. 3 para. 3(ba) inserted (18.8.2008) by [Road Safety Act 2006 \(c. 49\), ss. 20\(6\), 61\(1\)\(10\)](#); S.I. 2008/1918, art. 2(a)
- F13** Sch. 3 para. 3(bb) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(5\)\(i\), Sch. 8 para. 3](#)
- F14** Words in Sch. 3 para. 3(c) omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(d\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3
- F15** Sch. 3 para. 3(ca) inserted (18.8.2008) by [Road Safety Act 2006 \(c. 49\), ss. 21\(5\), 61\(1\)\(10\)](#); S.I. 2008/1918, art. 2(b)
- F16** Word in Sch. 3 para. 3(ca) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 6 para. 10\(2\)](#) (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F17** Sch. 3 para. 3(cb)(cc) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 6 para. 10\(3\)](#) (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F18** Words in Sch. 3 para. 3(d) omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(e\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3
- F19** Words in Sch. 3 para. 3(e) omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(f\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3
- F20** Words in Sch. 3 para. 3(f) omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(g\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3
- F21** Sch. 3 para. 3(fa) inserted (2.3.2015 for E.W., 1.3.2018 for S.N.I.) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 22 para. 16](#); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2
- F22** Words in Sch. 3 para. 3(g) omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(h\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3
- F23** Words in Sch. 3 para. 3(h) omitted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 19\(5\)\(i\)](#) (with Sch. 7 para. 27); S.I. 2017/189, art. 3

Commencement Information

- I28** Sch. 3 para. 3 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009, art. 2\(1\)\(2\)\(b\)\(3\)](#)

- 4 An offence under section 12 of the Road Traffic Act 1988 (motor racing and speed trials on public ways).

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Commencement Information

I29 Sch. 3 para. 4 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009](#), [art. 2\(1\)\(2\)\(b\)\(3\)](#)

- 5 An offence under section 103(1)(b) of the Road Traffic Act 1988 ^{F24}... (driving while disqualified).

Textual Amendments

F24 Words in Sch. 3 para. 5 omitted (with effect from 1.8.2017 in accordance with [S.I. 2017/189](#), art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 7 para. 19\(6\)](#) (with [Sch. 7 para. 27](#)); [S.I. 2017/189](#), art. 3

Commencement Information

I30 Sch. 3 para. 5 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009](#), [art. 2\(1\)\(2\)\(b\)\(3\)](#)

- 6 An offence under section 170(4) of the Road Traffic Act 1988 ^{F25}... (failing to stop after accident and give particulars or report of accident).

Textual Amendments

F25 Words in Sch. 3 para. 6 omitted (with effect from 1.8.2017 in accordance with [S.I. 2017/189](#), art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 7 para. 19\(7\)](#) (with [Sch. 7 para. 27](#)); [S.I. 2017/189](#), art. 3

Commencement Information

I31 Sch. 3 para. 6 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009](#), [art. 2\(1\)\(2\)\(b\)\(3\)](#)

PART 2

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR MINIMUM PERIOD NECESSARY

- 7 An offence which—
- (a) is mentioned in Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) ^{F26}... , but
 - (b) is not an offence mentioned in Part 1 of this Schedule.

Textual Amendments

F26 Words in Sch. 3 para. 7(a) omitted (with effect from 1.8.2017 in accordance with [S.I. 2017/189](#), art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 7 para. 19\(8\)](#) (with [Sch. 7 para. 27](#)); [S.I. 2017/189](#), art. 3

Commencement Information

I32 Sch. 3 para. 7 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009](#), [art. 2\(1\)\(2\)\(b\)\(3\)](#)

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

[^{F27}SCHEDULE 3A

Section 54

OFFENCES FOR THE PURPOSES OF SECTION 54: NORTHERN IRELAND

Textual Amendments

F27 Sch. 3A inserted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 20](#) (with [Sch. 7 para. 27](#)); S.I. 2017/189, art. 3

PART 1

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR A MINIMUM PERIOD UNNECESSARY

- 1 (1) Manslaughter by the driver of a motor vehicle.
- (2) “Driver” has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)).
- 2 An offence under Article 168A(1)(c) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) (driving while disqualified).
- 3 An offence under Article 175(2) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) (failing to stop after accident and give particulars or report of accident).
- 4 An offence under any of the following Articles of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18))—
 - (a) Article 9 (causing death or grievous bodily injury by dangerous driving),
 - (b) Article 10 (dangerous driving),
 - (c) Article 11A (causing death or grievous bodily injury by careless or inconsiderate driving),
 - (d) Article 12 (careless, and inconsiderate, driving),
 - (e) Article 12B (causing death or grievous bodily injury by driving: unlicensed, disqualified or uninsured drivers),
 - (f) Article 14 (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs),
 - (g) Article 15 (driving, or being in charge, when under the influence of drink or drugs),
 - (h) Article 16 (driving, or being in charge, of a motor vehicle with alcohol concentration above prescribed limit),
 - (i) Article 17 (failing to provide a specimen of breath for a breath test), or
 - (j) Article 18 (failing to provide a specimen for analysis or laboratory test).
- 5 An offence under Article 43(1) of the Road Traffic Regulation (Northern Ireland) Order 1997 (S.I. 1997/276 (N.I. 2)) (exceeding speed limit).

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

PART 2

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR A MINIMUM PERIOD NECESSARY

- 6 An offence which—
- (a) is mentioned in Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10)), but
 - (b) is not an offence mentioned in Part 1 of this Schedule.]

[^{F28}SCHEDULE 3B

Section 56

OFFENCES FOR THE PURPOSES OF SECTION 56: REPUBLIC OF IRELAND

Textual Amendments

- F28** Sch. 3B inserted (with effect from 1.8.2017 in accordance with S.I. 2017/189, art. 3 and London Gazette notice dated 1.8.2017 (Issue 62012 page 14601)) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 7 para. 21](#) (with [Sch. 7 para. 27](#)); S.I. 2017/189, art. 3

PART 1

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR A MINIMUM PERIOD UNNECESSARY

- 1 An offence arising from—
- (a) reckless or dangerous driving, whether or not resulting in death, injury or serious risk,
 - (b) wilful failure to carry out the obligations placed on drivers after being involved in road accidents,
 - (c) driving a vehicle while under the influence of alcohol or other substances affecting or diminishing the mental and physical abilities of a driver,
 - (d) refusal to submit to alcohol and drug tests,
 - (e) driving a vehicle faster than the permitted speed, or
 - (f) driving a vehicle while disqualified.

PART 2

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR A MINIMUM PERIOD NECESSARY

- 2 An offence arising from conduct which is a road traffic offence that is not mentioned in Part 1 of this Schedule.]

SCHEDULE 4

Section 90

TERRORIST PROPERTY: FREEZING ORDERS

- 1 The Terrorism Act 2000 (c. 11) is amended as follows.

Changes to legislation: Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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

Commencement Information

I33 Sch. 4 para. 1 in force at 3.12.2014 by [S.I. 2014/3192](#), [art. 2\(b\)](#)

- 2 In section 123 (orders and regulations), in subsection (2)(i), for “paragraph” there is substituted “ paragraphs 11A, 25A, 41A and ”.

Commencement Information

I34 Sch. 4 para. 2 in force at 3.12.2014 by [S.I. 2014/3192](#), [art. 2\(b\)](#)

- 3 In Part 1 of Schedule 4 (forfeiture orders: England and Wales), after paragraph 11 there is inserted—

“Domestic and overseas freezing orders

- 11A (1) This paragraph has effect for the purposes of paragraphs 11B to 11G.
- (2) The relevant Framework Decision means the Framework Decision on the execution in the European Union of orders freezing property or evidence adopted by the Council of the European Union on 22nd July 2003.
- (3) A listed offence means—
- (a) an offence described in Article 3(2) of the relevant Framework Decision, or
 - (b) a prescribed offence or an offence of a prescribed description.
- (4) An order under sub-paragraph (3)(b) which, for the purposes of paragraph 11D, prescribes an offence or a description of offences may require that the conduct which constitutes the offence or offences would, if it occurred in a part of the United Kingdom, constitute an offence in that part.
- (5) Specified information, in relation to a certificate under paragraph 11B or 11D, means—
- (a) any information required to be given by the form of certificate annexed to the relevant Framework Decision, or
 - (b) any prescribed information.
- (6) In this paragraph, “prescribed” means prescribed by an order made by the Secretary of State.
- (7) A participating country means—
- (a) a country other than the United Kingdom which is a member State on a day appointed for the commencement of Schedule 4 to the Crime (International Co-operation) Act 2003, and
 - (b) any other member State designated by an order made by the Secretary of State.
- (8) “Country” includes territory.

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

- (9) Section 14(2)(a) applies for the purposes of determining what are the proceeds of the commission of an offence.

Domestic freezing orders: certification

- 11B (1) If any of the property to which an application for a restraint order relates is property in a participating country, the applicant may ask the High Court to make a certificate under this paragraph.
- (2) The High Court may make a certificate under this paragraph if—
- (a) it makes a restraint order in relation to property in the participating country, and
 - (b) it is satisfied that there is a good arguable case that the property is likely to be used for the purposes of a listed offence or is the proceeds of the commission of a listed offence.
- (3) A certificate under this paragraph is a certificate which—
- (a) is made for the purposes of the relevant Framework Decision, and
 - (b) gives the specified information.
- (4) If the High Court makes a certificate under this paragraph—
- (a) the restraint order must provide for notice of the certificate to be given to the person affected by it, and
 - (b) paragraph 6(2) to (4) applies to the certificate as it applies to the restraint order.

Sending domestic freezing orders

- 11C (1) If a certificate is made under paragraph 11B, the restraint order and the certificate are to be sent to the Secretary of State for forwarding to—
- (a) a court exercising jurisdiction in the place where the property is situated, or
 - (b) any authority recognised by the government of the participating country as the appropriate authority for receiving orders of that kind.
- (2) The restraint order and the certificate must be accompanied by a forfeiture order, unless the certificate indicates when the court expects a forfeiture order to be sent.
- (3) The certificate must include a translation of it into an appropriate language of the participating country (if that language is not English).
- (4) The certificate must be signed by or on behalf of the court and must include a statement as to the accuracy of the information given in it.
- The signature may be an electronic signature.
- (5) If the restraint order and the certificate are not accompanied by a forfeiture order, but a forfeiture order is subsequently made, it is to be sent to the Secretary of State for forwarding as mentioned in subparagraph (1).

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

Overseas freezing orders

- 11D (1) Paragraph 11E applies where an overseas freezing order made by an appropriate court or authority in a participating country is received by the Secretary of State from the court or authority which made or confirmed the order.
- (2) An overseas freezing order is an order prohibiting dealing with property—
- (a) which is in the United Kingdom,
 - (b) which the appropriate court or authority considers is likely to be used for the purposes of a listed offence or is the proceeds of the commission of such an offence, and
 - (c) in respect of which an order has been or may be made by a court exercising criminal jurisdiction in the participating country for the forfeiture of the property,
- and in respect of which the following requirements of this paragraph are met.
- (3) The action which the appropriate court or authority considered would constitute or, as the case may be, constituted the listed offence is action done as an act of terrorism or for the purposes of terrorism.
- (4) The order must relate to—
- (a) criminal proceedings instituted in the participating country, or
 - (b) a criminal investigation being carried on there.
- (5) The order must be accompanied by a certificate which gives the specified information; but a certificate may be treated as giving any specified information which is not given in it if the Secretary of State has the information in question.
- (6) The certificate must—
- (a) be signed by or on behalf of the court or authority which made or confirmed the order,
 - (b) include a statement as to the accuracy of the information given in it,
 - (c) if it is not in English, include a translation of it into English (or, if appropriate, Welsh).
- The signature may be an electronic signature.
- (7) The order must be accompanied by an order made by a court exercising criminal jurisdiction in that country for the forfeiture of the property, unless the certificate indicates when such an order is expected to be sent.
- (8) An appropriate court or authority in a participating country in relation to an overseas freezing order is—
- (a) a court exercising criminal jurisdiction in the country,
 - (b) a prosecuting authority in the country,
 - (c) any other authority in the country which appears to the Secretary of State to have the function of making such orders.

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

- (9) References in paragraphs 11E to 11G to an overseas freezing order include its accompanying certificate.

Enforcement of overseas freezing orders

- 11E (1) Where this paragraph applies the Secretary of State must send a copy of the overseas freezing order to the High Court and to the Director of Public Prosecutions.
- (2) The court is to consider the overseas freezing order on its own initiative within a period prescribed by rules of court.
- (3) Before giving effect to the overseas freezing order, the court must give the Director an opportunity to be heard.
- (4) The court may decide not to give effect to the overseas freezing order only if, in its opinion, giving effect to it would be incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 11F The High Court may postpone giving effect to an overseas freezing order in respect of any property—
- (a) in order to avoid prejudicing a criminal investigation which is taking place in the United Kingdom, or
- (b) if, under an order made by a court in criminal proceedings in the United Kingdom, the property may not be dealt with.
- 11G (1) Where the High Court decides to give effect to an overseas freezing order, it must—
- (a) register the order in that court,
- (b) provide for notice of the registration to be given to any person affected by it.
- (2) For the purpose of enforcing an overseas freezing order registered in the High Court, the order is to have effect as if it were an order made by that court.
- (3) Paragraph 7 applies to an overseas freezing order registered in the High Court as it applies to a restraint order under paragraph 5.
- (4) The High Court may cancel the registration of the order, or vary the property to which the order applies, on an application by the Director of Public Prosecutions or any other person affected by it, if or to the extent that—
- (a) the court is of the opinion mentioned in paragraph 11E(4), or
- (b) the court is of the opinion that the order has ceased to have effect in the participating country.
- (5) Her Majesty may by Order in Council make further provision for the enforcement in England and Wales of registered overseas freezing orders.
- (6) An Order in Council under this paragraph—
- (a) may make different provision for different cases,

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- (b) is not to be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

Commencement Information

I35 Sch. 4 para. 3 in force at 3.12.2014 by [S.I. 2014/3192](#), [art. 2\(b\)](#)

- 4 In paragraph 14 of that Schedule (enforcement of orders made in designated countries), in sub-paragraph (2), after the second “order” there is inserted “ (other than an overseas freezing order within the meaning of paragraph 11D) ”.

Commencement Information

I36 Sch. 4 para. 4 in force at 3.12.2014 by [S.I. 2014/3192](#), [art. 2\(b\)](#)

- 5 In Part 2 of that Schedule (forfeiture orders: Scotland), after paragraph 25 there is inserted—

“Domestic and overseas freezing orders

- 25A (1) This paragraph has effect for the purposes of paragraphs 25B to 25G.
- (2) The relevant Framework Decision means the Framework Decision on the execution in the European Union of orders freezing property or evidence adopted by the Council of the European Union on 22nd July 2003.
- (3) A listed offence means—
- (a) an offence described in Article 3(2) of the relevant Framework Decision, or
 - (b) a prescribed offence or an offence of a prescribed description.
- (4) An order under sub-paragraph (3)(b) which, for the purposes of paragraph 25D, prescribes an offence or a description of offences may require that the conduct which constitutes the offence or offences would, if it occurred in a part of the United Kingdom, constitute an offence in that part.
- (5) Specified information, in relation to a certificate under paragraph 25B or 25D, means—
- (a) any information required to be given by the form of certificate annexed to the relevant Framework Decision, or
 - (b) any prescribed information.
- (6) In this paragraph, “prescribed” means prescribed by an order made by the Secretary of State.
- (7) A participating country means—
- (a) a country other than the United Kingdom which is a member State on a day appointed for the commencement of Schedule 4 to the Crime (International Co-operation) Act 2003, and
 - (b) any other member State designated by an order made by the Secretary of State.

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

- (8) “Country” includes territory.
- (9) Section 14(2)(a) applies for the purposes of determining what are the proceeds of the commission of an offence.

Domestic freezing orders: certification

- 25B
- (1) If any of the property to which an application for a restraint order relates is property in a participating country, the applicant may ask the Court of Session to make a certificate under this paragraph.
 - (2) The Court of Session may make a certificate under this paragraph if—
 - (a) it makes a restraint order in relation to property in the participating country, and
 - (b) it is satisfied that there is a good arguable case that the property is likely to be used for the purposes of a listed offence or is the proceeds of the commission of a listed offence.
 - (3) A certificate under this paragraph is a certificate which—
 - (a) is made for the purposes of the relevant Framework Decision, and
 - (b) gives the specified information.
 - (4) If the Court of Session makes a certificate under this paragraph—
 - (a) the restraint order must provide for notice of the certificate to be given to the person affected by it, and
 - (b) paragraph 19(2) to (4) applies to the certificate as it applies to the restraint order.

Sending domestic freezing orders

- 25C
- (1) If a certificate is made under paragraph 25B, the restraint order and the certificate are to be sent to the Lord Advocate for forwarding to—
 - (a) a court exercising jurisdiction in the place where the property is situated, or
 - (b) any authority recognised by the government of the participating country as the appropriate authority for receiving orders of that kind.
 - (2) The restraint order and the certificate must be accompanied by a forfeiture order, unless the certificate indicates when the court expects a forfeiture order to be sent.
 - (3) The certificate must include a translation of it into an appropriate language of the participating country (if that language is not English).
 - (4) The certificate must be signed by or on behalf of the court and must include a statement as to the accuracy of the information given in it.

The signature may be an electronic signature.
 - (5) If the restraint order and the certificate are not accompanied by a forfeiture order, but a forfeiture order is subsequently made, it is to

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

be sent to the Lord Advocate for forwarding as mentioned in subparagraph (1).

Overseas freezing orders

- 25D (1) Paragraph 25E applies where an overseas freezing order made by an appropriate court or authority in a participating country is received by the Secretary of State from the court or authority which made or confirmed the order.
- (2) An overseas freezing order is an order prohibiting dealing with property—
- (a) which is in the United Kingdom,
 - (b) which the appropriate court or authority considers is likely to be used for the purposes of a listed offence or is the proceeds of the commission of such an offence, and
 - (c) in respect of which an order has been or may be made by a court exercising criminal jurisdiction in the participating country for the forfeiture of the property,
- and in respect of which the following requirements of this paragraph are met.
- (3) The action which the appropriate court or authority considered would constitute or, as the case may be, constituted the listed offence is action done as an act of terrorism or for the purposes of terrorism.
- (4) The order must relate to—
- (a) criminal proceedings instituted in the participating country, or
 - (b) a criminal investigation being carried on there.
- (5) The order must be accompanied by a certificate which gives the specified information; but a certificate may be treated as giving any specified information which is not given in it if the Secretary of State has the information in question.
- (6) The certificate must—
- (a) be signed by or on behalf of the court or authority which made or confirmed the order,
 - (b) include a statement as to the accuracy of the information given in it,
 - (c) if it is not in English, include a translation of it into English.
- The signature may be an electronic signature.
- (7) The order must be accompanied by an order made by a court exercising criminal jurisdiction in that country for the forfeiture of the property, unless the certificate indicates when such an order is expected to be sent.
- (8) An appropriate court or authority in a participating country in relation to an overseas freezing order is—
- (a) a court exercising criminal jurisdiction in the country,
 - (b) a prosecuting authority in the country,

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- (c) any other authority in the country which appears to the Secretary of State to have the function of making such orders.
- (9) References in paragraphs 25E to 25G to an overseas freezing order include its accompanying certificate.

Enforcement of overseas freezing orders

- 25E (1) Where this paragraph applies the Secretary of State must send a copy of the overseas freezing order to the Court of Session and to the Lord Advocate.
- (2) The court is to consider the overseas freezing order on its own initiative within a period prescribed by rules of court.
- (3) Before giving effect to the overseas freezing order, the court must give the Lord Advocate an opportunity to be heard.
- (4) The court may decide not to give effect to the overseas freezing order only if, in its opinion, giving effect to it would be incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 25F The Court of Session may postpone giving effect to an overseas freezing order in respect of any property—
- (a) in order to avoid prejudicing a criminal investigation which is taking place in the United Kingdom, or
- (b) if, under an order made by a court in criminal proceedings in the United Kingdom, the property may not be dealt with.
- 25G (1) Where the Court of Session decides to give effect to an overseas freezing order, the Deputy Principal Clerk of Session must—
- (a) register the order in the Books of Council and Session,
- (b) provide for notice of the registration to be given to any person affected by it.
- (2) For the purpose of enforcing an overseas freezing order registered in the Books of Council and Session, the order is to have effect as if it were an order made by the Court of Session.
- (3) Paragraphs 20 and 21 apply to an overseas freezing order registered in the Books of Council and Session as they apply to a restraint order under paragraph 18.
- (4) The Court of Session may cancel the registration of the order, or vary the property to which the order applies, on an application by the Lord Advocate or any other person affected by it, if or to the extent that—
- (a) the court is of the opinion mentioned in paragraph 25E(4), or
- (b) the court is of the opinion that the order has ceased to have effect in the participating country.
- (5) Her Majesty may by Order in Council make further provision for the enforcement in Scotland of registered overseas freezing orders.
- (6) An Order in Council under this paragraph—

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- (a) may make different provision for different cases,
- (b) is not to be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

Commencement Information

I37 Sch. 4 para. 5 in force at 3.12.2014 by [S.I. 2014/3192](#), [art. 2\(b\)](#)

- 6 In paragraph 28 of that Schedule (enforcement of orders made in designated countries), in sub-paragraph (2), after the second “order” there is inserted “ (other than an overseas freezing order within the meaning of paragraph 25D) ”.

Commencement Information

I38 Sch. 4 para. 6 in force at 3.12.2014 by [S.I. 2014/3192](#), [art. 2\(b\)](#)

- 7 In Part 3 of that Schedule (forfeiture orders: Northern Ireland), after paragraph 41 there is inserted—

“Domestic and overseas freezing orders

- 41A (1) This paragraph has effect for the purposes of paragraphs 41B to 41G.
- (2) The relevant Framework Decision means the Framework Decision on the execution in the European Union of orders freezing property or evidence adopted by the Council of the European Union on 22nd July 2003.
- (3) A listed offence means—
- (a) an offence described in Article 3(2) of the relevant Framework Decision, or
 - (b) a prescribed offence or an offence of a prescribed description.
- (4) An order under sub-paragraph (3)(b) which, for the purposes of paragraph 41D, prescribes an offence or a description of offences may require that the conduct which constitutes the offence or offences would, if it occurred in a part of the United Kingdom, constitute an offence in that part.
- (5) Specified information, in relation to a certificate under paragraph 41B or 41D, means—
- (a) any information required to be given by the form of certificate annexed to the relevant Framework Decision, or
 - (b) any prescribed information.
- (6) In this paragraph, “prescribed” means prescribed by an order made by the Secretary of State.
- (7) A participating country means—
- (a) a country other than the United Kingdom which is a member State on a day appointed for the commencement of Schedule 4 to the Crime (International Co-operation) Act 2003, and

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- (b) any other member State designated by an order made by the Secretary of State.
- (8) “Country” includes territory.
- (9) Section 14(2)(a) applies for the purposes of determining what are the proceeds of the commission of an offence.

Domestic freezing orders: certification

- 41B
- (1) If any of the property to which an application for a restraint order relates is property in a participating country, the applicant may ask the High Court to make a certificate under this paragraph.
 - (2) The High Court may make a certificate under this paragraph if—
 - (a) it makes a restraint order in relation to property in the participating country, and
 - (b) it is satisfied that there is a good arguable case that the property is likely to be used for the purposes of a listed offence or is the proceeds of the commission of a listed offence.
 - (3) A certificate under this paragraph is a certificate which—
 - (a) is made for the purposes of the relevant Framework Decision, and
 - (b) gives the specified information.
 - (4) If the High Court makes a certificate under this paragraph—
 - (a) the restraint order must provide for notice of the certificate to be given to the person affected by it, and
 - (b) paragraph 34(2) to (4) applies to the certificate as it applies to the restraint order.

Sending domestic freezing orders

- 41C
- (1) If a certificate is made under paragraph 41B, the restraint order and the certificate are to be sent to the Secretary of State for forwarding to—
 - (a) a court exercising jurisdiction in the place where the property is situated, or
 - (b) any authority recognised by the government of the participating country as the appropriate authority for receiving orders of that kind.
 - (2) The restraint order and the certificate must be accompanied by a forfeiture order, unless the certificate indicates when the court expects a forfeiture order to be sent.
 - (3) The certificate must include a translation of it into an appropriate language of the participating country (if that language is not English).
 - (4) The certificate must be signed by or on behalf of the court and must include a statement as to the accuracy of the information given in it.
The signature may be an electronic signature.

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- (5) If the restraint order and the certificate are not accompanied by a forfeiture order, but a forfeiture order is subsequently made, it is to be sent to the Secretary of State for forwarding as mentioned in subparagraph (1).

Overseas freezing orders

- 41D (1) Paragraph 41E applies where an overseas freezing order made by an appropriate court or authority in a participating country is received by the Secretary of State from the court or authority which made or confirmed the order.
- (2) An overseas freezing order is an order prohibiting dealing with property—
- (a) which is in the United Kingdom,
 - (b) which the appropriate court or authority considers is likely to be used for the purposes of a listed offence or is the proceeds of the commission of such an offence, and
 - (c) in respect of which an order has been or may be made by a court exercising criminal jurisdiction in the participating country for the forfeiture of the property,
- and in respect of which the following requirements of this paragraph are met.
- (3) The action which the appropriate court or authority considered would constitute or, as the case may be, constituted the listed offence is action done as an act of terrorism or for the purposes of terrorism.
- (4) The order must relate to—
- (a) criminal proceedings instituted in the participating country, or
 - (b) a criminal investigation being carried on there.
- (5) The order must be accompanied by a certificate which gives the specified information; but a certificate may be treated as giving any specified information which is not given in it if the Secretary of State has the information in question.
- (6) The certificate must—
- (a) be signed by or on behalf of the court or authority which made or confirmed the order,
 - (b) include a statement as to the accuracy of the information given in it,
 - (c) if it is not in English, include a translation of it into English.
- The signature may be an electronic signature.
- (7) The order must be accompanied by an order made by a court exercising criminal jurisdiction in that country for the forfeiture of the property, unless the certificate indicates when such an order is expected to be sent.
- (8) An appropriate court or authority in a participating country in relation to an overseas freezing order is—
- (a) a court exercising criminal jurisdiction in the country,

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- (b) a prosecuting authority in the country,
 - (c) any other authority in the country which appears to the Secretary of State to have the function of making such orders.
- (9) References in paragraphs 41E to 41G to an overseas freezing order include its accompanying certificate.

Enforcement of overseas freezing orders

- 41E (1) Where this paragraph applies the Secretary of State must send a copy of the overseas freezing order to the High Court and to the Director of Public Prosecutions for Northern Ireland.
- (2) The court is to consider the overseas freezing order on its own initiative within a period prescribed by rules of court.
- (3) Before giving effect to the overseas freezing order, the court must give the Director an opportunity to be heard.
- (4) The court may decide not to give effect to the overseas freezing order only if, in its opinion, giving effect to it would be incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 41F The High Court may postpone giving effect to an overseas freezing order in respect of any property—
- (a) in order to avoid prejudicing a criminal investigation which is taking place in the United Kingdom, or
 - (b) if, under an order made by a court in criminal proceedings in the United Kingdom, the property may not be dealt with.
- 41G (1) Where the High Court decides to give effect to an overseas freezing order, it must—
- (a) register the order in that court,
 - (b) provide for notice of the registration to be given to any person affected by it.
- (2) For the purpose of enforcing an overseas freezing order registered in the High Court, the order is to have effect as if it were an order made by that court.
- (3) Paragraph 35 applies to an overseas freezing order registered in the High Court as it applies to a restraint order under paragraph 33.
- (4) The High Court may cancel the registration of the order, or vary the property to which the order applies, on an application by the Director of Public Prosecutions for Northern Ireland or any other person affected by it, if or to the extent that—
- (a) the court is of the opinion mentioned in paragraph 41E(4), or
 - (b) the court is of the opinion that the order has ceased to have effect in the participating country.
- (5) Her Majesty may by Order in Council make further provision for the enforcement in Northern Ireland of registered overseas freezing orders.

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- (6) An Order in Council under this paragraph—
- (a) may make different provision for different cases,
 - (b) is not to be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

Commencement Information

I39 Sch. 4 para. 7 in force at 3.12.2014 by [S.I. 2014/3192](#), **art. 2(b)**

- 8 In paragraph 44 of that Schedule (enforcement of orders made in designated countries), in sub-paragraph (2), after the second “order” there is inserted “ (other than an overseas freezing order within the meaning of paragraph 41D) ”.

Commencement Information

I40 Sch. 4 para. 8 in force at 3.12.2014 by [S.I. 2014/3192](#), **art. 2(b)**

- 9 In Part 4 of that Schedule (insolvency), in paragraph 45, at the end of paragraph (c) of the definition of “restraint order” there is inserted “ or an order which is enforceable in England and Wales, Scotland or Northern Ireland by virtue of paragraph 11G, 25G or 41G ”.

Commencement Information

I41 Sch. 4 para. 9 in force at 3.12.2014 by [S.I. 2014/3192](#), **art. 2(b)**

SCHEDULE 5

Section 91

MINOR AND CONSEQUENTIAL AMENDMENTS

The Internationally Protected Persons Act 1978 (c. 17)

- 1 The Internationally Protected Persons Act 1978 is amended as follows.

Commencement Information

I42 Sch. 5 para. 1 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

- 2 In section 2 (supplementary provisions), in subsections (1) and (2), for “and the United Nations Personnel Act 1997” there is substituted “ , the United Nations Personnel Act 1997 and the Terrorism Act 2000 ”.

Commencement Information

I43 Sch. 5 para. 2 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

The Suppression of Terrorism Act 1978 (c. 26)

3 The Suppression of Terrorism Act 1978 is amended as follows.

Commencement Information

I44 Sch. 5 para. 3 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

4 In section 4 (jurisdiction in respect of offences committed outside United Kingdom), in subsections (4) and (5), for “and the United Nations Personnel Act 1997” there is substituted “, the United Nations Personnel Act 1997 and the Terrorism Act 2000 ”.

Commencement Information

I45 Sch. 5 para. 4 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

The Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/ 154 (N.I. 1))

5 The Road Traffic (Northern Ireland) Order 1981 is amended as follows.

Commencement Information

I46 Sch. 5 para. 5 in force at 28.1.2010 by [S.I. 2008/3009](#), **art. 2(1)(2)(c)**

6 In Article 4 (exceptions to offence under Article 3), in paragraph (3)(a), after “Road Traffic Orders” there is inserted “ or Chapter 1 of Part 3 of the Crime (International Co-operation) Act 2003 ”.

Commencement Information

I47 Sch. 5 para. 6 in force at 28.1.2010 by [S.I. 2008/3009](#), **art. 2(1)(2)(c)**

The Nuclear Material (Offences) Act 1983 (c. 18)

7 The Nuclear Material (Offences) Act 1983 is amended as follows.

Commencement Information

I48 Sch. 5 para. 7 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

8 In section 3 (supplemental), in subsections (1) and (2), for “and the United Nations Personnel Act 1997” there is substituted “, the United Nations Personnel Act 1997 and the Terrorism Act 2000 ”.

Commencement Information

I49 Sch. 5 para. 8 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

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The Child Abduction Act 1984 (c. 37)

9 The Child Abduction Act 1984 is amended as follows.

Commencement Information

I50 Sch. 5 para. 9 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

10 In section 11 (consequential amendments and repeals), in subsection (3), after “the Internationally Protected Persons Act 1978” there is inserted “ and sections 63B(2) and 63C(2) of the Terrorism Act 2000 ”.

Commencement Information

I51 Sch. 5 para. 10 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

The Criminal Justice Act 1987 (c. 38)

11 The Criminal Justice Act 1987 is amended as follows.

Commencement Information

I52 Sch. 5 para. 11 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

12 In section 2 (investigation powers of Director of Serious Fraud Office)—

- (a) in subsection (1A), for paragraph (b) there is substituted—
 - “(b) the Secretary of State acting under section 15(2) of the Crime (International Co-operation) Act 2003, in response to a request received by him from a person mentioned in section 13(2) of that Act (an “overseas authority”).”
- (b) in subsection (8A), for the words from “furnished” to the end there is substituted “ given to the overseas authority which requested it or given to the Secretary of State for forwarding to that overseas authority) ”,
- (c) subsection (8B) is omitted,
- (d) in subsection (8C), for “transmitted” (in both places) there is substituted “ forwarded ”,
- (e) in subsection (18), “(8B)” is omitted.

Commencement Information

I53 Sch. 5 para. 12 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

The Criminal Justice Act 1988 (c. 33)

13 The Criminal Justice Act 1988 is amended as follows.

Commencement Information

I54 Sch. 5 para. 13 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

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- 14 In section 24 (business etc. documents), in subsection (4), for “section 3 of the Criminal Justice (International Co-operation) Act 1990” there is substituted “ section 7 of the Crime (International Co-operation) Act 2003 ”.

Commencement Information

I55 Sch. 5 para. 14 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 15 In section 26 (statements in documents that appear to have been prepared for the purposes of criminal proceedings or investigations), for “section 3 of the Criminal Justice (International Co-operation) Act 1990” there is substituted “ section 7 of the Crime (International Co-operation) Act 2003 ”.

Commencement Information

I56 Sch. 5 para. 15 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 16 In paragraph 6 of Schedule 13 (evidence before courts-martial etc.)—
- (a) in sub-paragraph (1)—
- (i) for “section 3 of the Criminal Justice (International Co-operation) Act 1990” there is substituted “ section 7 of the Crime (International Co-operation) Act 2003 ”, and
- (ii) for “letters of request or corresponding documents” there is substituted “ requests for assistance in obtaining outside the United Kingdom evidence ”, and
- (b) in sub-paragraph (4), for “letters of request or corresponding documents” there is substituted “ requests for assistance in obtaining evidence ”.

Commencement Information

I57 Sch. 5 para. 16 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

The Road Traffic Act 1988 (c. 52)

- 17 The Road Traffic Act 1988 is amended as follows.

Commencement Information

I58 Sch. 5 para. 17 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

- 18 In section 88 (exceptions to offence under section 87)—
- (a) in subsection (1A)(b)(ii), for “section 4(1) of or paragraph 6(1) or 9(1)” there is substituted “ section 4 of or paragraph 6 or 9 ”,
- (b) in subsection (1B)(a), after “Road Traffic Acts” there is inserted “ or Chapter 1 of Part 3 of the Crime (International Co-operation) Act 2003 ”.

Commencement Information

I59 Sch. 5 para. 18(a) in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

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I60 Sch. 5 para. 18(b) in force at 28.1.2010 by [S.I. 2008/3009](#), **art. 2(1)(2)(c)**

19 In section 92 (requirements as to physical fitness of drivers), in subsection (7D), after “99D” there is inserted “ or 109C ”.

Commencement Information

I61 Sch. 5 para. 19 in force at 11.10.2004 by [S.I. 2004/2624](#), **art. 2(1)(2)(b)**

20 In section 94A (driving after refusal or revocation of licence), in subsection (1)—

(a) in paragraph (a)(ii), for “section 93(1) or (2)” there is substituted “ section 93 ”,

(b) in paragraph (a)(iii)—

(i) after “section 99C(1) or (2)” there is inserted “ or 109B ”,

(ii) after “Community licence” there is inserted “ or Northern Ireland licence ”,

(c) in paragraph (b)(ii), at the end there is inserted “ or Northern Ireland licence ”.

Commencement Information

I62 Sch. 5 para. 20 in force at 11.10.2004 by [S.I. 2004/2624](#), **art. 2(1)(2)(b)**

21 In section 97 (grant of licences), in subsection (1)(d), for “section 4(1) of or paragraph 6(1) or 9(1)” there is substituted “ section 4 of or paragraph 6 or 9 ”.

Commencement Information

I63 Sch. 5 para. 21 in force at 11.10.2004 by [S.I. 2004/2624](#), **art. 2(1)(2)(b)**

22 In section 100 (appeals relating to licences), in subsection (1)—

(a) in paragraph (c), after “99(3)” there is inserted “ or (3A) ”,

(b) for “or 99C” there is substituted “ , 99C or 109B ”.

Commencement Information

I64 Sch. 5 para. 22 in force at 11.10.2004 by [S.I. 2004/2624](#), **art. 2(1)(2)(b)**

23 In section 105 (regulations)—

(a) in subsection (2)—

(i) in paragraph (a), after “this Act,” there is inserted “ Northern Ireland licences, ”,

^{F29}(ii)

^{F29}(iii)

(iv) in paragraph (f), before “Community licences” there is inserted “ Northern Ireland licences or ”,

^{F29}(b)

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Textual Amendments

F29 Sch. 5 para. 23(a)(ii)(iii)(b) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(4\)](#); [S.I. 2015/560](#), [art. 3\(b\)](#) (with [arts. 4-9](#))

Commencement Information

I65 Sch. 5 para. 23 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

24 In section 107 (service of notices), for “99B or 99E” there is substituted “ 99B, 99E or 109A ”.

Commencement Information

I66 Sch. 5 para. 24 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

25 In section 108 (interpretation), in subsection (1)—
^{F30}(a)
(b) in the definition of “Northern Ireland driving licence” and “Northern Ireland licence”, at the end there is inserted “ and “Northern Ireland counterpart” means the document issued with the Northern Ireland licence as a counterpart under the law of Northern Ireland ”.

Textual Amendments

F30 Sch. 5 para. 25(a) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(4\)](#); [S.I. 2015/560](#), [art. 3\(b\)](#) (with [arts. 4-9](#))

Commencement Information

I67 Sch. 5 para. 25 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

26 In section 109 (provisions as to Northern Ireland drivers' licences)—
(a) in subsection (1), after “Great Britain,” there is inserted “ in accordance with that licence, ”,
^{F31}(b)
(c) subsections (3) to (5) are omitted.

Textual Amendments

F31 Sch. 5 para. 26(b) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(4\)](#); [S.I. 2015/560](#), [art. 3\(b\)](#) (with [arts. 4-9](#))

Commencement Information

I68 Sch. 5 para. 26 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

27 In section 164 (power of constables to require production of driving licence etc.)—
(a) in subsection (3)—
(i) in paragraph (a), before “the Secretary of State” there is inserted “ a person is required to deliver his licence and its counterpart to

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- the Secretary of State under section 63 of the Crime (International Co-operation) Act 2003 or ”,
- (ii) in paragraph (a)(iii), after “99C” there is inserted “ , 109B ”,
- (iii) in paragraph (b), after “99C” there is inserted “ , 109B ” and after “or 118” there is inserted “ or section 63 of the Crime (International Co-operation) Act 2003 ”,
- (b) in subsection (11)—
 - (i) in the definition of “licence”, after “this Act” there is inserted “ , a Northern Ireland licence ”,
 - (ii) after “ “counterpart”,” there is inserted “ “Northern Ireland licence”,”.

Commencement Information	
I69	Sch. 5 para. 27(a)(i) in force at 28.1.2010 by S.I. 2008/3009 , art. 2(1)(2)(c)
I70	Sch. 5 para. 27(a)(ii) in force at 11.10.2004 by S.I. 2004/2624 , art. 2(1)(2)(b)
I71	Sch. 5 para. 27(a)(iii) in force at 11.10.2004 for specified purposes by S.I. 2004/2624 , art. 2(1)(2)(b)
I72	Sch. 5 para. 27(a)(iii) in force at 28.1.2010 in so far as not already in force by S.I. 2008/3009 , art. 2(1)(2)(c)
I73	Sch. 5 para. 27(b) in force at 11.10.2004 by S.I. 2004/2624 , art. 2(1)(2)(b)

F32 28

Textual Amendments	
F32	Sch. 5 para. 28 repealed (8.6.2015) by Road Safety Act 2006 (c. 49) , s. 61(1)(10), Sch. 7(4) ; S.I. 2015/560 , art. 3(b) (with arts. 4-9)

F33 29

Textual Amendments	
F33	Sch. 5 para. 29 repealed (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583) , art. 1(1) , Sch. 1 Table 1

F34 30

Textual Amendments	
F34	Sch. 5 para. 30 repealed (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583) , art. 1(1) , Sch. 1 Table 1

31 In section 193A (tramcars and trolley vehicles), in subsection (2)(b), for “91A,” there is substituted “ 91ZA to ”.

Commencement Information	
I74	Sch. 5 para. 31 in force at 11.10.2004 by S.I. 2004/2624 , art. 2(1)(2)(b)

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

The Road Traffic Offenders Act 1988 (c. 53)

32 The Road Traffic Offenders Act 1988 is amended as follows.

Commencement Information

I75 Sch. 5 para. 32 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

33 In section 3 (restriction on institution of proceedings for certain offences), in subsection (2A), after “99D” there is inserted “ or 109C ”.

Commencement Information

I76 Sch. 5 para. 33 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

34 In section 26 (interim disqualification), in subsection (10), for the words from “and 91A(5)” to “licences)” there is substituted “ , 91ZA(7) and 91A(5) of this Act ”.

Commencement Information

I77 Sch. 5 para. 34 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

35 In section 98 (general interpretation), in subsection (1)—

^{F35}(a)

(b) for “and “EEA State”” there is substituted “ , “EEA State” and “Northern Ireland licence” ”.

Textual Amendments

F35 Sch. 5 para. 35(a) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(4\)](#); [S.I. 2015/560](#), [art. 3\(b\)](#) (with [arts. 4-9](#))

Commencement Information

I78 Sch. 5 para. 35 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

36 In Schedule 1 (offences to which sections 1, 6, 11 and 12(1) of the Act apply)—

(a) in the entry for section 94(3) of the Road Traffic Act 1988, in column 1, at the end there is inserted “ or 109C ”,

(b) in the entry for section 94(3A) of that Act, in column 1, at the end there is inserted “ or 109C(c) ”,

(c) in the entry for section 94A of that Act, in column 2, at the end there is inserted “ or 109B ”,

^{F36}(d)

Textual Amendments

F36 Sch. 5 para. 36(d) repealed (8.6.2015) by [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), [art. 1\(1\)](#), [Sch. 1](#) Table 1

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

Commencement Information

I79 Sch. 5 para. 36 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

- 37 In Schedule 2 (prosecution and punishment of offences)—
- (a) in the entry for section 94(3) of the Road Traffic Act 1988, in column 2, at the end there is inserted “ or 109C ”,
 - (b) in the entry for section 94(3A) of that Act, in column 2, at the end there is inserted “ or 109C(c) ”,
 - (c) in the entry for section 94A of that Act, in column 2, at the end there is inserted “ or 109B ”,
 - ^{F37}(d)
 - (e) the entry for section 109 of that Act is omitted,
 - (f) before the entry for section 114 of that Act there is inserted—

“RTA section 109B(4)	Failure to deliver Northern Ireland licence to Secretary of State when required by notice under section 109B.	Summarily. Level 3 on the standard scale.	”
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Textual Amendments

F37 Sch. 5 para. 37(d) repealed (8.6.2015) by [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), [art. 1\(1\)](#), [Sch. 1](#) Table 1

Commencement Information

I80 Sch. 5 para. 37 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

The Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17))

- 38 The Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 is amended as follows.

Commencement Information

I81 Sch. 5 para. 38 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 39 In Article 4 (business etc. documents), in paragraph (4), for “section 3 of the Criminal Justice (International Co-operation) Act 1990” there is substituted “ section 7 of the Crime (International Co-operation) Act 2003 ”.

Changes to legislation: *Crime (International Co-operation) Act 2003* is up to date with all changes known to be in force on or before 22 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](#)

Commencement Information

I82 Sch. 5 para. 39 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 40 In Article 6 (statements in documents that appear to have been prepared for the purposes of criminal proceedings or investigations), for “section 3 of the Criminal Justice (International Co-operation) Act 1990” there is substituted “ section 7 of the Crime (International Co-operation) Act 2003 ”.

Commencement Information

I83 Sch. 5 para. 40 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

The Criminal Justice (International Co-operation) Act 1990 (c. 5)

- 41 The Criminal Justice (International Co-operation) Act 1990 is amended as follows.

Commencement Information

I84 Sch. 5 para. 41 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 42 Sections 1 to 4, 7, 8 and 11 (mutual service of process and provision of evidence) are omitted.

Commencement Information

I85 Sch. 5 para. 42 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 43 In section 5 (transfer of UK prisoner to give evidence or assist investigation overseas), after subsection (3) there is inserted—
- “(3A) A warrant under this section has effect in spite of section 127(1) of the Army Act 1955, section 127(1) of the Air Force Act 1955 or section 82A(1) of the Naval Discipline Act 1957 (restriction on removing persons out of the United Kingdom who are serving military sentences).”

Commencement Information

I86 Sch. 5 para. 43 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 44 Schedule 1 (proceedings of nominated court) is omitted.

Commencement Information

I87 Sch. 5 para. 44 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

The Road Traffic (New Drivers) Act 1995 (c. 13)

- 45 The Road Traffic (New Drivers) Act 1995 is amended as follows.

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

Commencement Information

I88 Sch. 5 para. 45 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

46 In section 2 (surrender of licences), at the end there is inserted—

“(6) In this section and section 3 “licence” includes a Northern Ireland licence.”

Commencement Information

I89 Sch. 5 para. 46 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

47 In section 3 (revocation of licences)—

(a) after subsection (1) there is inserted—

“(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under subsection (1), the Secretary of State must send to the licensing authority in Northern Ireland—

- (a) particulars of the notice; and
- (b) the Northern Ireland licence.

(1B) Where the Secretary of State is sent by that licensing authority particulars of a notice served on the holder of a licence under a provision of Northern Ireland law corresponding to subsection (1), he must by notice served on the holder revoke the licence.”

^{F38}(b)

(c) at the end, there is inserted—

“(3) In this section references to the revocation of a person’s Northern Ireland licence are references to its revocation as respects Great Britain; and, accordingly, the person ceases to be authorised by virtue of section 109(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class.”

Textual Amendments

F38 Sch. 5 para. 47(b) repealed (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(2\)](#); [S.I. 2008/3164](#), [art. 3\(d\)](#)

Commencement Information

I90 Sch. 5 para. 47 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

48 In section 4 (re-testing)—

(a) in subsection (1)—

(i) for “section 3(1)” there is substituted “ section 3 ”,

(ii) after “full licence” (in the second place it occurs) there is inserted “ or (as the case may be) full Northern Ireland licence ”,

(b) after subsection (1) there is inserted—

“(1A) Subject to subsection (5), the Secretary of State may not under that Part grant a person whose Northern Ireland licence has been

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- revoked under a provision of Northern Ireland law corresponding to section 3(1) a full licence to drive any class of vehicles in relation to which the revoked licence was issued as a full Northern Ireland licence unless he satisfies the Secretary of State as mentioned in subsection (1).”
- (c) in subsections (2) and (3), at the end there is inserted “ or (as the case may be) full Northern Ireland licence ”,
 - (d) in subsection (5)—
 - (i) for “Subsection (1) does” there is substituted “ Subsections (1) and (1A) do ”, and
 - (ii) for “section 3(1)” there is substituted “ section 3 or whose Northern Ireland licence has been revoked under a provision of Northern Ireland law corresponding to section 3(1) ”.

Commencement Information

I91 Sch. 5 para. 48 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

- 49 In section 5 (restoration of licence without re-testing in certain cases)—
- (a) in subsections (1), (4) and (6), for “section 3(1)” there is substituted “ section 3 ”,
 - (b) in subsections (3)(a) and (4)(c), after “section 2” there is inserted “ or (as the case may be) the provision of Northern Ireland law corresponding to that section ”,
 - (c) at the end there is inserted—

“(11) Nothing in this section applies in relation to a person whose Northern Ireland licence has been revoked under section 3(1).”

Commencement Information

I92 Sch. 5 para. 49 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

- 50 In section 7 (early termination of probationary period)—
- (a) in paragraph (b), for “section 3(1)” there is substituted “ section 3 ”,
 - (b) in paragraph (c)—
 - (i) for “paragraph 5(1)” there is substituted “ paragraph 5 ”,
 - (ii) for “paragraph 8(1)” there is substituted “ paragraph 8 ”.

Commencement Information

I93 Sch. 5 para. 50 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

- 51 In section 9 (interpretation), after subsection (2) there is inserted—
- “(2A) In this Act—
- “full Northern Ireland licence” means a Northern Ireland licence other than a Northern Ireland provisional licence,

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“Northern Ireland provisional licence” means a Northern Ireland licence which corresponds to a provisional licence.”

Commencement Information

I94 Sch. 5 para. 51 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

52 Schedule 1 (newly qualified drivers holding test certificates) is amended as follows.

Commencement Information

I95 Sch. 5 para. 52 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

53 In paragraph 1, at the end there is inserted—

“(3) In this Schedule “licence” includes a Northern Ireland licence, “full licence” includes a full Northern Ireland licence and “provisional licence” includes a Northern Ireland provisional licence.

(4) In relation to the holder of a Northern Ireland licence, the following sub-paragraphs have effect for the purposes of this Schedule.

(5) References to a test certificate are references to a certificate or other document (in this Schedule referred to as a “Northern Ireland test certificate”) which is evidence that he has not more than two years previously passed a Northern Ireland test of competence to drive corresponding to the test mentioned in sub-paragraph (1).

(6) References to prescribed conditions are references to conditions subject to which the Northern Ireland provisional licence was granted.”

Commencement Information

I96 Sch. 5 para. 53 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

54 In paragraph 2, after sub-paragraph (4) there is inserted—

“(4A) In relation to the holder of a Northern Ireland licence, the reference in sub-paragraph (4)(b) to section 98(2) of the Road Traffic Act 1988 is a reference to the corresponding provision under the law of Northern Ireland.”

Commencement Information

I97 Sch. 5 para. 54 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

55 In paragraph 5—

(a) after sub-paragraph (1) there is inserted—

“(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1), the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with the Northern Ireland test certificate.

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

(1B) Where the Secretary of State is sent by that licensing authority particulars of a notice served on the holder of a licence under a provision of Northern Ireland law corresponding to sub-paragraph (1), he must by notice served on that person revoke his test certificate.”,

^{F39}(b)

(c) at the end there is inserted—

“(4) In this paragraph and paragraph 8 references to the revocation of a person’s Northern Ireland test certificate are references to its revocation as respects Great Britain.

(5) The effect of the revocation of a person’s Northern Ireland test certificate as respects Great Britain is that any prescribed conditions to which his Northern Ireland provisional licence ceased to be subject when he became a qualified driver shall again apply for the purposes of section 109(1) of the Road Traffic Act 1988.”

Textual Amendments

F39 Sch. 5 para. 55(b) repealed (31.3.2009) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 7\(2\)](#); [S.I. 2008/3164, art. 3\(d\)](#)

Commencement Information

I98 Sch. 5 para. 55 in force at 11.10.2004 by [S.I. 2004/2624, art. 2\(1\)\(2\)\(b\)](#)

56 In paragraph 6, in sub-paragraph (1), for “paragraph 5(1)” there is substituted “ paragraph 5, or whose Northern Ireland test certificate has been revoked under a provision of Northern Ireland law corresponding to paragraph 5(1), ”.

Commencement Information

I99 Sch. 5 para. 56 in force at 11.10.2004 by [S.I. 2004/2624, art. 2\(1\)\(2\)\(b\)](#)

57 In paragraph 8—

(a) after sub-paragraph (1) there is inserted—

“(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1), the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with the Northern Ireland licence and the Northern Ireland test certificate.

(1B) Where the Secretary of State is sent by that licensing authority particulars of a notice served on the holder of a licence under a provision of Northern Ireland law corresponding to sub-paragraph (1), he must by notice served on that person revoke his licence and test certificate.”,

^{F40}(b)

(c) at the end there is inserted—

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

“(3) In this paragraph references to the revocation of a person’s Northern Ireland licence are references to its revocation as respects Great Britain; and, accordingly, the person ceases to be authorised by virtue of section 109(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class.”

Textual Amendments

F40 Sch. 5 para. 57(b) repealed (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(2\)](#); [S.I. 2008/3164](#), art. 3(d)

Commencement Information

I100 Sch. 5 para. 57 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

58 In paragraph 9—

- (a) in sub-paragraph (1), for “paragraph 8(1)” there is substituted “ paragraph 8, or whose Northern Ireland licence and Northern Ireland test certificate have been revoked under a provision of Northern Ireland law corresponding to paragraph 8(1), ”,
- (b) in sub-paragraph (4)(b)(i), after “1988” there is inserted “ , or under a provision of Northern Ireland law corresponding to that section, ”.

Commencement Information

I101 Sch. 5 para. 58 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

59 In paragraph 10(a)—

- (a) for “paragraph 5(1)” there is substituted “ paragraph 5 (or a person’s Northern Ireland test certificate has been revoked under a provision of Northern Ireland law corresponding to paragraph 5(1)) ”,
- (b) for “paragraph 8(1)” there is substituted “ paragraph 8 (or a person’s Northern Ireland licence and Northern Ireland test certificate have been revoked under a provision of Northern Ireland law corresponding to paragraph 8(1)) ”.

Commencement Information

I102 Sch. 5 para. 59 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

60 In paragraph 11—

- (a) in sub-paragraphs (1) and (2)(c), for “paragraph 5(1)” and “paragraph 8(1)” there is substituted “ paragraph 5 ” and “ paragraph 8 ” respectively,
- (b) in sub-paragraph (1)(d), after “section 2” there is inserted “ or (as the case may be) the provision of Northern Ireland law corresponding to that section ”.

Commencement Information

I103 Sch. 5 para. 60 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

The Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)

61 The Criminal Law (Consolidation) (Scotland) Act 1995 is amended as follows.

Commencement Information

I104 Sch. 5 para. 61 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

62 In section 27 (Lord Advocate’s direction), in subsection (2), for “section 4(2B) of the Criminal Justice (International Co-operation) Act 1990” there is substituted “section 15(4) of the Crime (International Co-operation) Act 2003”.

Commencement Information

I105 Sch. 5 para. 62 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

63 In section 28 (powers of investigation)—

- (a) in subsection (8), for the words from “by the” to the end there is substituted “by virtue of section 27(2) of this Act shall be given to the overseas authority which requested it or to the Lord Advocate for forwarding to that authority”;
- (b) subsection (9) is omitted;
- (c) in subsection (10), for “transmitted” (in both places) there is substituted “forwarded”.

Commencement Information

I106 Sch. 5 para. 63 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

The Criminal Procedure (Scotland) Act 1995 (c. 46)

64 The Criminal Procedure (Scotland) Act 1995 is amended as follows.

Commencement Information

I107 Sch. 5 para. 64 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

65 In section 210(1)(c) (consideration, in passing sentence of imprisonment or detention, of time spent in custody), at the end there is inserted “so however that a period of time spent both in custody on remand and, by virtue of section 47(1) of the Crime (International Co-operation) Act 2003, abroad is not for any reason to be discounted in a determination under paragraph (a) above or specification under paragraph (b) above”.

Commencement Information

I108 Sch. 5 para. 65 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

The United Nations Personnel Act 1997 (c. 13)

66 The United Nations Personnel Act 1997 is amended as follows.

Commencement Information

I109 Sch. 5 para. 66 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

67 In section 5 (supplementary provisions), in subsections (1) and (2), for “and the Nuclear Material (Offences) Act 1983” there is substituted “, the Nuclear Material (Offences) Act 1983 and the Terrorism Act 2000”.

Commencement Information

I110 Sch. 5 para. 67 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

The Data Protection Act 1998 (c. 29)

68 The Data Protection Act 1998 is amended as follows.

Commencement Information

I111 Sch. 5 para. 68 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

69 In section 28(1) (national security), for “section” there is substituted “sections 54A and”.

Commencement Information

I112 Sch. 5 para. 69 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

70 In section 60(2) and (3) (prosecutions and penalties), before “paragraph 12” there is inserted “section 54A and”.

Commencement Information

I113 Sch. 5 para. 70 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

71 In section 63(5) (application to the Crown), for “section” there is substituted “sections 54A and”.

Commencement Information

I114 Sch. 5 para. 71 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

The Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

Textual Amendments

F41 Sch. 5 paras. 72-74 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F4173

Textual Amendments

F41 Sch. 5 paras. 72-74 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F4174

Textual Amendments

F41 Sch. 5 paras. 72-74 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

The Terrorism Act 2000 (c. 11)

75 The Terrorism Act 2000 is amended as follows.

Commencement Information

I115 Sch. 5 para. 75 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

76 In section 121 (interpretation), in the definition of “premises”, before “includes” (in the first place) there is inserted “, except in section 63D, ”.

Commencement Information

I116 Sch. 5 para. 76 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

77 In section 123 (orders and regulations), in subsection (2), after paragraph (b) there is inserted—
“(ba) section 63C(3)(d);”.

Commencement Information

I117 Sch. 5 para. 77 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

The Regulation of Investigatory Powers Act 2000 (c. 23)

78 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

Commencement Information

I118 Sch. 5 para. 78 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 79 In section 65 (investigatory powers tribunal)—
- (a) in subsection (5)—
- (i) after paragraph (c) there is inserted—
- “(ca) the carrying out of surveillance by a foreign police or customs officer (within the meaning of section 76A);”,
- (ii) in paragraph (d), at the beginning there is inserted “ other ”,
- (b) after subsection (7), there is inserted—
- “(7A) For the purposes of this section conduct also takes place in challengeable circumstances if it takes place, or purports to take place, under section 76A.”

Commencement Information

I119 Sch. 5 para. 79 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

- 80 In section 78 (orders, regulations and rules), in subsection (3)(a), for “or 71(9)” there is substituted “, 71(9) or 76A(9) ”.

Commencement Information

I120 Sch. 5 para. 80 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

The Armed Forces Act 2001 (c. 19)

- 81 In section 31 of the Armed Forces Act 2001 (power to make provision in consequence of enactments relating to criminal justice), in subsection (7)—
- (a) after “section” there is inserted “ section 5 of the Criminal Justice (International Co-operation) Act 1990 and ”,
- (b) for “is” there is substituted “ are ”.

Commencement Information

I121 Sch. 5 para. 81 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

The Proceeds of Crime Act 2002 (c. 29)

^{F42}82

Textual Amendments

F42 Sch. 5 para. 82 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 14](#); [S.I. 2008/755](#), [art. 2\(1\)\(d\)](#) (with arts. 3-14)

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

F43 83

Textual Amendments

F43 Sch. 5 para. 83 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 14](#); S.I. 2008/755, art. 2(1)(d) (with arts. 3-14)

SCHEDULE 6

Section 91

REPEALS

Commencement Information

I122 Sch. 6 in force at 26.4.2004 for specified purposes by [S.I. 2004/786](#), [art. 3](#)

I123 Sch. 6 in force at 11.10.2004 for specified purposes by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(c\)](#)

I124 Sch. 6 in force at 17.12.2008 for specified purposes by [S.I. 2008/3009](#), [art. 3](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Criminal Justice Act 1987 (c. 38)	In section 2— subsection (8B), in subsection (18), the word “(8B)”. In section 3(6), the “and” preceding paragraph (m).
Road Traffic Act 1988 (c. 52)	In section 108(1), in the definition of “counterpart”, the “and” at the end of paragraph (a). In section 109— in subsection (2), paragraph (b) and the “and” preceding it, subsections (3) to (5).
Road Traffic Offenders Act 1988 (c. 53)	In Schedule 2, the entry for section 109 of the Road Traffic Act 1988.
Criminal Justice (International Co-operation) Act 1990 (c. 5)	Sections 1 to 4, 7, 8 and 11. Schedule 1. In Schedule 4, paragraphs 6(2) and 8.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 164(1).
Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)	Section 28(9).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 146— in subsection (4), the “or” at the end of paragraph (a), in subsection (5), in the definition of “counterpart”, the “and” at the end of paragraph (a).

Changes to legislation: *Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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*

	In section 147(5), the “or” at the end of paragraph (a).
Criminal Justice and Police Act 2001 (c. 16)	In Schedule 1, paragraph 49.
Proceeds of Crime Act 2002 (c. 29)	Section 376(5).

Changes to legislation:

Crime (International Co-operation) Act 2003 is up to date with all changes known to be in force on or before 22 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 :

- Pt. 1 Ch. 4 omitted by [S.I. 2019/742 reg. 87\(11\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 1(1) words omitted by [S.I. 2019/742 reg. 87\(2\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(2) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 1(1) words omitted by [S.I. 2019/742 reg. 87\(2\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(2) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 1(2)(b)(c)(d) omitted by [S.I. 2019/742 reg. 87\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(2) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 1(3) words omitted by [S.I. 2019/742 reg. 87\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(2) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 1(4) words omitted by [S.I. 2019/742 reg. 87\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(2) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 8(3)(b) and word omitted by [S.I. 2019/742 reg. 87\(4\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 10 omitted by [S.I. 2019/742 reg. 87\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 11 omitted by [S.I. 2019/742 reg. 87\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 12 omitted by [S.I. 2019/742 reg. 87\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 13(3)(b) omitted by [S.I. 2019/742 reg. 87\(6\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 14(1)(b)(c) omitted by [S.I. 2019/742 reg. 87\(7\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 14(2) words omitted by [S.I. 2019/742 reg. 87\(7\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 14(2) words omitted by [S.I. 2019/742 reg. 87\(7\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 20 omitted by [S.I. 2019/742 reg. 87\(8\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 21 omitted by [S.I. 2019/742 reg. 87\(8\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))

- s. 22 omitted by [S.I. 2019/742 reg. 87\(8\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 23 omitted by [S.I. 2019/742 reg. 87\(8\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 24 omitted by [S.I. 2019/742 reg. 87\(8\)\(e\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 25 omitted by [S.I. 2019/742 reg. 87\(8\)\(f\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 26(1) words omitted by [S.I. 2019/742 reg. 87\(9\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 26(2) omitted by [S.I. 2019/742 reg. 87\(9\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 28(1) words omitted by [S.I. 2019/742 reg. 87\(10\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 28(1) words omitted by [S.I. 2019/742 reg. 87\(10\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 28(1) words omitted by [S.I. 2019/742 reg. 87\(10\)\(a\)\(iii\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 28(5)-(8) omitted by [S.I. 2019/742 reg. 87\(10\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(4)-(11) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(a))
- s. 51(1) words omitted by [S.I. 2019/742 reg. 87\(13\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(13)(a)(ii)-(iv) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(b))
- s. 51(1) words omitted by [S.I. 2019/742 reg. 87\(13\)\(a\)\(iii\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(13)(a)(ii)-(iv) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(b))
- s. 51(1) words omitted by [S.I. 2019/742 reg. 87\(13\)\(a\)\(iv\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 87(13)(a)(ii)-(iv) revoked (31.12.2020) by virtue of 2020 c. 29, s. 40(6)(c), Sch. 3 para. 2(2)(b))
- s. 54(3A) inserted by [2009 c. 25 Sch. 21 para. 93](#)
- s. 64 words repealed by [2006 c. 49 Sch. 3 para. 76\(2\)Sch. 7\(4\)](#)
- s. 64(3)(b)s. 64(4)(b) word substituted by [2006 c. 49 Sch. 3 para. 76\(3\)](#)
- s. 64(7) words repealed by [2006 c. 49 Sch. 3 para. 76\(4\)Sch. 7\(4\)](#)
- s. 68(7) substituted by [2006 c. 49 Sch. 3 para. 77\(3\)](#)
- s. 69(2)(3) substituted for s. 69(2)-(5) by [2006 c. 49 Sch. 3 para. 78\(2\)](#)
- s. 69(7) substituted by [2006 c. 49 Sch. 3 para. 78\(3\)](#)
- s. 74(1) words repealed by [2006 c. 49 Sch. 3 para. 79Sch. 7\(4\)](#)

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. 4A4B inserted by [2003 c. 44 Sch. 36 para. 16](#)