



Crime (International Co-operation) Act 2003

2003 CHAPTER 32

PART 1

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

CHAPTER 2

MUTUAL PROVISION OF EVIDENCE

General

26 Powers under warrants

- (1) A court in England and Wales or Northern Ireland, or a justice of the peace, may not issue a warrant under section 17 or 22 in respect of any evidence unless the court or justice has reasonable grounds for believing that it does not consist of or include items subject to legal privilege, excluded material or special procedure material.
- (2) Subsection (1) does not prevent a warrant being issued by virtue of section 22(5) in respect of excluded material or special procedure material.
- (3) In Schedule 1 to the Criminal Justice and Police Act 2001 (c. 16) (powers of seizure), in Part 1 (powers to which the additional powers in section 50 apply)—
 - (a) paragraph 49 is omitted,
 - (b) after paragraph 73B there is inserted—

Changes to legislation: *Crime (International Co-operation) Act 2003, Section 26 is up to date with all changes known to be in force on or before 19 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*

73C “Crime (International Co-operation) Act 2003

The power of seizure conferred by sections 17 and 22 of the Crime (International Co-operation) Act 2003 (seizure of evidence relevant to overseas investigation or offence).”

- (4) References in this Chapter to evidence seized by a person by virtue of or under any provision of this Chapter include evidence seized by a person by virtue of section 50 of the Criminal Justice and Police Act 2001 (additional powers of seizure), if it is seized in the course of a search authorised by a warrant issued by virtue of or under the provision in question.
- (5) Subsection (4) does not require any evidence to be sent to the territorial authority or to any court or authority—
- (a) before it has been found, on the completion of any examination required to be made by arrangements under section 53(2) of the Criminal Justice and Police Act 2001, to be property within subsection (3) of that section (property which may be retained after examination), or
 - (b) at a time when it constitutes property in respect of which a person is required to ensure that arrangements such as are mentioned in section 61(1) of that Act (duty to secure) are in force.

Commencement Information

II S. 26 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- 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))

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](#)