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STATUTORY INSTRUMENTS

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**2019 No. 742**

**The Law Enforcement and Security  
(Amendment) (EU Exit) Regulations 2019**

**PART 18**

Mutual Legal Assistance in Criminal Matters

CHAPTER 3

Amendment of primary legislation consequential upon amendments made by this Part

**Amendment of the Criminal Justice Act 1987**

- 75.**—(1) The Criminal Justice Act 1987 <sup>M1</sup> is amended as follows.
- (2) In section 2 (Director's investigation powers) <sup>M2</sup>—
- (a) in subsection (1A), for paragraph (b) substitute—
- “(b) the Secretary of State acting under section 15(2) of the Crime (International Co-operation) Act 2003, in response to a request received from a person mentioned in section 13(2) of that Act (an “overseas authority”).”;
- (b) in subsection (18), omit the definition of “overseas authority”.
- (3) In section 3(6) (disclosure of information) <sup>M3</sup>, in paragraph (n), for “the Treaty on European Union or any other” substitute “ a ”.

**Commencement Information**

- I1** Reg. 75 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

- M1** 1987 c. 38.
- M2** Section 2(1A) was inserted by section 164(2)(c) of the [Criminal Justice and Public Order Act 1994 \(c. 33\)](#) and amended by [S.I. 2017/730](#). Section 2(18) was amended by [S.I. 2017/730](#). There are other amendments not relevant to this instrument.
- M3** Section 3(6) was amended by section 80(b) of the [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#). There are other amendments not relevant to this instrument.

**Amendment of the Criminal Justice Act 1988**

- 76.** In Schedule 13 to the Criminal Justice Act 1988 (evidence before service courts) <sup>M4</sup>, in paragraph 6 (letters of request etc.), in sub-paragraph (1), omit “, and no order shall be made or validated under Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017.”.

#### Commencement Information

- I2** Reg. 76 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

- M4** [1988 c. 33](#). Paragraph 6 of Schedule 13 was amended by paragraph 6 of Schedule 4 to the [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5\)](#), by paragraph 16 of Schedule 5 to the Crime (International Co-operation) Act 2003, and by [S.I. 2017/730](#).

### Amendment of the Criminal Procedure (Scotland) Act 1995

77.—(1) The Criminal Procedure (Scotland) Act 1995 <sup>M5</sup> is amended as follows.

(2) In section 210(1) (consideration of time spent in custody) <sup>M6</sup>, in paragraph (c), omit “or regulation 20 or 54 of the Criminal Justice (European Investigation Order) Regulations 2017”.

(3) In section 267A (citation of witnesses for precognition) <sup>M7</sup>, omit subsection (1A).

(4) In section 272 (evidence by letter of request or on commission) <sup>M8</sup>, omit subsection (14).

(5) In section 273 (television link evidence from abroad) <sup>M9</sup>, omit subsection (5).

#### Commencement Information

- I3** Reg. 77 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

**M5** [1995 c. 46](#).

**M6** Section 210 was amended by section 12 of the [Crime and Punishment \(Scotland\) Act 1997 \(c. 48\)](#), by paragraph 8(14) of Schedule 4 and Part 1 of Schedule 5 to the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), by paragraph 65 of Schedule 5 to the Crime (International Co-operation) Act 2003, by section 172 of the [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#) and by [S.I. 2017/730](#).

**M7** Section 267A was inserted by section 22 of the [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#) and by [S.I. 2017/730](#).

**M8** Section 272 was amended by section 35(4) of the [Criminal Proceedings etc \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) and by [S.I. 2017/730](#).

**M9** Section 273 was amended by section 91(2) of the [Criminal Justice and Licensing \(Scotland\) Act 2010 asp 13](#) and by [S.I. 2017/730](#).

### Amendment of the Criminal Law (Consolidation) (Scotland) Act 1995

78. In section 27 of the Criminal Law (Consolidation) Scotland Act 1995 (Lord Advocate's direction) <sup>M10</sup>, for subsection (2) substitute—

“(2) The Lord Advocate may also give a direction under this section by virtue of section 15(4) of the Crime (International Co-operation) Act 2003 or on a request made by the Attorney-General of the Isle of Man, Jersey or Guernsey acting under legislation corresponding to this Part of this Act.”

**Commencement Information**

**I4** Reg. 78 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

**M10** [1995 c. 39](#). Section 27 was amended by paragraph 62 of Schedule 5 to the Crime (International Co-operation) Act 2003 and by [S.I. 2017/730](#).

**Amendment of the Criminal Justice and Police Act 2001**

**79.**—(1) Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which the additional powers in section 50 of that Act apply) <sup>M11</sup> is amended as follows.

<sup>F1</sup>(2) .....

(3) Omit paragraph 73R <sup>M12</sup>.

**Textual Amendments**

**F1** Reg. 79(2) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(6)(c), [Sch. 3 para. 2\(3\)\(a\)](#)

**Commencement Information**

**I5** Reg. 79 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

**M11** [2001 c. 16](#).

**M12** Paragraph 73R was inserted by [S.I. 2017/730](#).

**Amendment of the Criminal Justice Act 2003**

**80.** In section 117 of the Criminal Justice Act 2003 (hearsay evidence: business and other documents) <sup>M13</sup>, in subsection (4)(b)(iii) omit “an order under Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017”.

**Commencement Information**

**I6** Reg. 80 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

**M13** [2003 c.44](#). Section 117 was amended by [S.I. 2017/730](#).

**Amendment of the Criminal Justice (Evidence) (Northern Ireland) Order 2004**

**81.** In article 21 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004 (hearsay evidence: business and other documents) <sup>M14</sup>, in paragraph (4)(b)(iii) omit “an order under Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017”.

#### Commencement Information

**I7** Reg. 81 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

#### Marginal Citations

**M14** [S.I. 2004/1501 \(N.I. 10\)](#) was amended by [S.I. 2017/730](#).

### Amendment of the Investigatory Powers Act 2016

**82.**—(1) The Investigatory Powers Act 2016 <sup>M15</sup> is amended as follows.

(2) In section 10 (restriction on requesting assistance under mutual assistance agreements etc.)  
M16

(a) in subsection (1), omit paragraph (a) and the “and” at the end of that paragraph;

(b) in subsection (3), omit the definition of “EU mutual assistance instrument”.

(3) In section 15(4) (warrants that may be issued under Chapter 1 of Part 2)—

(a) in paragraph (a), omit “an EU mutual assistance instrument or”;

(b) in paragraph (b), omit “instrument or”.

(4) In section 18(1)(h) (persons who may apply for issue of a warrant), omit “an EU mutual assistance instrument or”.

(5) In section 20(3)(a) (grounds on which warrants may be issued by Secretary of State), omit “an EU mutual assistance instrument or”.

(6) In section 21(4)(b)(i) (power of Scottish Ministers to issue warrants), omit “an EU mutual assistance instrument or”.

(7) In section 40 (special rules for certain mutual assistance warrants)—

(a) in subsection (1)(a), omit “an EU mutual assistance instrument or”;

(b) in subsections (3)(a) and (5)(a), omit “an EU mutual assistance instrument or” and “(as the case may be)”.

(8) In section 60(1) (Part 2: interpretation), omit the definition of “EU mutual assistance instrument”.

#### Commencement Information

**I8** Reg. 82 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

#### Marginal Citations

**M15** [2016 c. 25](#).

**M16** Section 10 was amended by [S.I. 2017/730](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, CHAPTER 3.