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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 1

#### Interpretation

#### Interpretation

73. In this Part—

“the 2003 Act” means the Crime (International Co-operation) Act 2003 <sup>M1</sup>;

“the 2017 Regulations” means the Criminal Justice (European Investigation Order) Regulations 2017 <sup>M2</sup>;

“central authority” has the same meaning as in the 2017 Regulations;

“country” has the same meaning as in Part 1 of the 2003 Act;

“EU prisoner” has the same meaning as in the 2017 Regulations;

“participating State” has the same meaning as in the 2017 Regulations;

“prisoner” has the same meanings as in the 2017 Regulations.

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#### Commencement Information

**II** Reg. 73 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

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#### Marginal Citations

**M1** [2003 c. 32](#).

**M2** [S.I. 2017/730](#) as amended by [S.I. 2018/378](#).

#### CHAPTER 2

#### Revocation of the 2017 Regulations

#### Revocation of the 2017 Regulations

74. The 2017 Regulations are revoked.

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)

#### Commencement Information

- I2** Reg. 74 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## 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>M3</sup> is amended as follows.
- (2) In section 2 (Director's investigation powers)<sup>M4</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>M5</sup>, in paragraph (n), for “the Treaty on European Union or any other” substitute “ a ”.

#### Commencement Information

- I3** 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

- M3** [1987 c. 38](#).
- M4** 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.
- M5** 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>M6</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

- I4** 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

- M6** [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>M7</sup> is amended as follows.

(2) In section 210(1) (consideration of time spent in custody) <sup>M8</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>M9</sup>, omit subsection (1A).

(4) In section 272 (evidence by letter of request or on commission) <sup>M10</sup>, omit subsection (14).

(5) In section 273 (television link evidence from abroad) <sup>M11</sup>, omit subsection (5).

### Commencement Information

**I5** 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

**M7** 1995 c. 46.

**M8** 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.

**M9** Section 267A was inserted by section 22 of the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5) and by S.I. 2017/730.

**M10** 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.

**M11** 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>M12</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

**I6** 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

**M12** 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.

*Status: This version of this part contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)*

### 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>M13</sup> is amended as follows.

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

(3) Omit paragraph 73R <sup>M14</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

**I7** 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

**M13** [2001 c. 16](#).

**M14** 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>M15</sup>, in subsection (4)(b)(iii) omit “an order under Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017”.

#### Commencement Information

**I8** 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

**M15** [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>M16</sup>, in paragraph (4)(b)(iii) omit “an order under Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017”.

#### Commencement Information

**I9** 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

**M16** [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>M17</sup> is amended as follows.

(2) In section 10 (restriction on requesting assistance under mutual assistance agreements etc.)<sup>M18</sup>

(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

**I10** 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

**M17** [2016 c. 25](#).

**M18** Section 10 was amended by [S.I. 2017/730](#).

## CHAPTER 4

### Saving provisions relating to European investigation orders

#### Outgoing European investigation orders (other than relating to the temporary transfer of a prisoner or EU prisoner)

**83.**—(1) This regulation applies in relation to a European investigation order transmitted under regulation 9 (transmission of a European investigation order) or 10 (variation or revocation of a European investigation order) of the 2017 Regulations before commencement day.

(2) Regulations 77(4) and (5) (amendment of the Criminal Procedure (Scotland) Act 1995), 80 (amendment of the Criminal Justice Act 2003), 81 (amendment of the Criminal Justice (Evidence) (Northern Ireland) Order 2004) and 82 (amendment of the Investigatory Powers Act 2016) of these Regulations do not apply.

(3) The following provisions of the 2017 Regulations continue to have effect—

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)*

- (a) regulation 10 (variation or revocation of a European investigation order), but modified to read as if—
    - (i) the words “vary or” where they appear in each of paragraphs (1) and (2) were omitted;
    - (ii) paragraphs (6) and (7) were omitted;
  - (b) regulation 12 (use of evidence);
  - (c) regulations 2 and 5 (interpretation), Part 1 of Schedule 1 (designated public prosecutors) and Schedule 2 (participating States), but only for the purposes of the provisions which continue to have effect by virtue of sub-paragraphs (a) and (b).
- (4) In this regulation, “European investigation order” has the meaning given by regulation 5(1)(a) of the 2017 Regulations.

#### Commencement Information

**I11** Reg. 83 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Incoming European investigation order (other than relating to a request for the temporary transfer of a prisoner)

**84.**—(1) This regulation applies in relation to a European investigation order received before commencement day by a central authority in the United Kingdom, to the extent that the order does not relate to a request for the temporary transfer of a prisoner or an EU prisoner.

(2) Regulations 75 (amendment of the Criminal Justice Act 1987), 77(3) (amendment of the Criminal Procedure (Scotland) Act 1995), 78 (amendment of the Criminal Law (Consolidation) (Scotland) Act 1995) and 79(3) (amendment of the Criminal Justice and Police Act 2001) of these Regulations do not apply.

- (3) The following provisions of the 2017 Regulations continue to have effect—
  - (a) Part 3 (recognition and execution of a European investigation order made in a participating State), except Chapter 7 of that Part;
  - (b) regulation 59 (designation for the purposes of the Investigatory Powers Act 2016);
  - (c) Part 4 of Schedule 1 (designated executing authorities);
  - (d) Schedule 4 (general grounds for refusal), Schedule 5 (receiving evidence before a nominated court), and Schedule 6 (hearing a person by video-link or telephone conference);
  - (e) regulation 2 (general interpretation) and Schedule 2 (participating States), but only for the purpose of the provisions which continue to have effect by virtue of sub-paragraphs (a) to (d).

(4) In this regulation “European investigation order” has the meaning given by regulation 25 of the 2017 Regulations (interpretation).

[<sup>F2</sup>(5) See Article 62(1)(l) and Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act.]

#### Textual Amendments

**F2** Reg. 84(5) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), [regs. 1, 27](#)

**Commencement Information**

**I12** Reg. 84 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**European investigation order made in the United Kingdom relating to the temporary transfer of a prisoner or EU prisoner**

**85.**—(1) In relation to a prisoner temporarily transferred to a participating State pursuant to a European investigation order made and transmitted under regulation 22 of the 2017 Regulations (European investigation order for the temporary transfer of a prisoner) before commencement day—

- (a) regulation 77(2) (amendment of the Criminal Procedure (Scotland) Act 1995) of these Regulations does not apply;
- (b) the following provisions of the 2017 Regulations continue to have effect—
  - (i) regulation 20 (temporary transfer of UK prisoner to participating State for the purpose of UK investigation);
  - (ii) regulation 24 (time spent by UK prisoner in custody overseas);
  - (iii) regulations 2 and 5 (interpretation) and Schedule 2 (participating States), but only for the purpose of the other provisions which continue to have effect by virtue of this this sub-paragraph.

(2) In relation to an EU prisoner temporarily transferred to the United Kingdom pursuant to a European investigation order made and transmitted under regulation 22 of the 2017 Regulations before commencement day, the following provisions of those Regulations continue to have effect—

- (a) regulation 21 (temporary transfer of EU prisoner to the UK for the purposes of UK investigation or proceedings);
- (b) regulation 23 (restrictions on prosecution and detention for other matters);
- (c) regulations 2 and 5 and Schedule 2, but only for the purpose of the provisions which continue to have effect by virtue of sub-paragraphs (a) and (b).

(3) In this regulation, “European investigation order” has the meaning given by regulation 5(1) (a) of the 2017 Regulations.

**Commencement Information**

**I13** Reg. 85 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**European investigation order made in a participating State relating to the temporary transfer of a prisoner or EU prisoner**

**86.**—(1) In relation to a [<sup>F3</sup>relevant temporary transfer or a relevant request]—

- (a) regulation 77(2) (amendment of the Criminal Procedure (Scotland) Act 1995) of these Regulations does not apply;
- (b) the following provisions of the 2017 Regulations continue to have effect—
  - (i) regulation 54;
  - (ii) regulation 57 (time spent by UK prisoner in custody overseas);

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)*

(iii) regulations 2 and 25 (interpretation) and Schedule 2 (participating States), but only for the purpose of the other provisions which continue to have effect by virtue of this sub-paragraph.

[<sup>F4</sup>(1A) in paragraph (1)—

“relevant temporary transfer” means a prisoner temporarily transferred to an issuing State pursuant to a warrant issued by the Secretary of State or the Scottish Ministers under regulation 54 of the 2017 Regulations (temporary transfer of UK prisoner to issuing State for the purpose of issuing State’s investigation or proceedings) before commencement day;

“relevant request” means a European investigation order which includes a request for the transfer of a prisoner received by a central authority before commencement, regardless of whether that European investigation order was forwarded to the relevant UK central authority before commencement day.]

(2) In relation to an EU prisoner temporarily transferred to the United Kingdom pursuant to a warrant issued by the Secretary of State or Scottish Ministers under regulation 55 of the 2017 Regulations (temporary transfer of EU prisoner to the UK for the purpose of issuing State’s investigation) before commencement day, the following provisions of those Regulations continue to have effect—

- (a) regulation 55;
- (b) regulation 56 (restrictions on prosecution and detention for other matters);
- (c) regulations 2 and 25 (interpretation) and Schedule 2 (participating States), but only for the purpose of the provisions which continue to have effect by virtue of sub-paragraphs (a) and (b).

[<sup>F5</sup>(3) See Article 62(1)(l) and Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act.]

**Textual Amendments**

- F3** Words in reg. 86(1) substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **28(a)**
- F4** Reg. 86(1A) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **28(b)**
- F5** Reg. 86(3) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **28(c)**

**Commencement Information**

- I14** Reg. 86 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

CHAPTER 5

Amendment of the 2003 Act

**Amendment of the 2003 Act**

**87.—(1)** The 2003 Act is amended as follows.

<sup>F6</sup>(2) .....

(3) In section 7 (requests for assistance in obtaining evidence abroad), omit subsection (7).



- F7(4) .....
- F7(5) .....
- F7(6) .....
- F7(7) .....
- F7(8) .....
- F7(9) .....
- F7(10) .....
- F7(11) .....

(12) In section 50(5) (subordinate legislation) <sup>M19</sup>, omit “designating a country other than a member State”.

(13) <sup>M20</sup>In section 51 (general interpretation) —

(a) in subsection (1), omit the following definitions—

(i) “the 2001 Protocol”;

<sup>F8</sup>(ii) .....

<sup>F8</sup>(iii) .....

<sup>F8</sup>(iv) .....

(v) “the Mutual Legal Assistance Convention”;

(vi) “the Schengen Convention”;

(b) in subsection (2)—

(i) omit paragraph (a) and the “and” at the end of that paragraph;

(ii) in paragraph (b), omit “other”.

**Textual Amendments**

**F6** Reg. 87(2) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(6)(c), [Sch. 3 para. 2\(2\)\(a\)](#)

**F7** Reg. 87(4)-(11) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(6)(c), [Sch. 3 para. 2\(2\)\(a\)](#)

**F8** Reg. 87(13)(a)(ii)-(iv) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(6)(c), [Sch. 3 para. 2\(2\)\(b\)](#)

**Commencement Information**

**I15** Reg. 87 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**

**M19** There are amendments to section 50 not relevant for the purposes of this instrument.

**M20** Section 51 was amended by [S.I. 2013/602](#) and 2017/730.

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the *The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18.* (See end of Document for details)

CHAPTER 6

Amendment and revocation of subordinate legislation made under the 2003 Act

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2009**

**88.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2009 <sup>M21</sup> is amended as follows.

(2) For article 3 substitute—

“**3.** Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, [<sup>F9</sup>Italy,] Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden are designated as participating countries under section 51(2)(b) of the 2003 Act <sup>F10</sup>....”.

(3) Omit article 4.

**Textual Amendments**

**F9** Word in reg. 88(2) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 24

**F10** Words in reg. 88(2) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(6)(c), [Sch. 3 para. 2\(4\)](#)

**Commencement Information**

**I16** Reg. 88 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**

**M21** [S.I. 2009/613](#) as amended by [SI 2017/730](#).

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 2) Order 2009**

**89.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales, and Northern Ireland) (No. 2) Order 2009 <sup>M22</sup> is amended as follows.

(2) In article 3—

(a) for “Iceland and Norway are designated as participating countries” substitute “Norway is designated as a participating country”;

<sup>F11</sup>(b) .....

(3) Omit article 4.

**Textual Amendments**

**F11** Reg. 89(2)(b) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(6)(c), [Sch. 3 para. 2\(3\)\(b\)](#)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)*

**Commencement Information**

**I17** Reg. 89 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**

**M22** [S.I. 2009/1764](#).

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2009**

**90.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2009 <sup>M23</sup> is amended as follows.

(2) For article 2 substitute—

“**2.** Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, [<sup>F12</sup>Italy,] Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden are designated as participating countries under section 51(2)(b) of the 2003 Act <sup>F13</sup>....”.

(3) Omit article 3.

**Textual Amendments**

**F12** Word in reg. 90(2) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), [regs. 1, 24](#)

**F13** Words in reg. 90(2) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [s. 40\(6\)\(c\)](#), [Sch. 3 para. 2\(5\)](#)

**Commencement Information**

**I18** Reg. 90 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**

**M23** [S.S.I. 2009/106](#) as amended by [S.I. 2017/730](#).

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 2) Order 2009**

**91.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 2) Order 2009 <sup>M24</sup> is amended as follows.

(2) In article 2—

(a) for “Iceland and Norway are designated as participating countries” substitute “Norway is designated as a participating country”;

<sup>F14</sup>(b) .....

<sup>F14</sup>(c) .....

<sup>F14</sup>(d) .....

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)

- F14(e) .....
- F14(f) .....
- (3) Omit article 3.

**Textual Amendments**  
**F14** Reg. 91(2)(b)-(f) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(6)(c), [Sch. 3 para. 2\(3\)\(c\)](#)

**Commencement Information**  
**I19** Reg. 91 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**  
**M24** [S.S.I. 2009/206](#).

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 3) Order 2009**

**92.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 3) Order 2009 <sup>M25</sup> is amended as follows.  
 (2) In article 3, omit “Croatia”.  
 (3) Omit article 4.

**Commencement Information**  
**I20** Reg. 92 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**  
**M25** [S.S.I. 2009/441](#) as amended by [S.I. 2017/730](#).

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2010**

**93.** In the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2010 <sup>M26</sup>, omit article 5.

**Commencement Information**  
**I21** Reg. 93 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**  
**M26** [S.I. 2010/36](#) as amended by [S.I. 2017/730](#).

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)*

## Revocation of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2011

94. The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2011 <sup>M27</sup> is revoked.

### Commencement Information

**I22** Reg. 94 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

**M27** [S.S.I. 2011/7](#).

## Revocation of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 2) Order 2011

95. The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 2) Order 2011 <sup>M28</sup> is revoked.

### Commencement Information

**I23** Reg. 95 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

**M28** [S.I. 2011/229](#).

## CHAPTER 7

Saving provisions relating to the amendment of the Crime (International Co-operation) Act 2003 and [<sup>F15</sup>related] legislation

### Textual Amendments

**F15** Word in Pt. 18 Ch. 7 heading substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, [20\(1\)](#)

PROSPECTIVE

### Freezing orders

<sup>F16</sup>**96.** . . . . .

### Textual Amendments

**F16** Reg. 96 omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. [40\(6\)\(c\)](#), [Sch. 3 para. 2\(3\)\(d\)](#)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)*

## Requests for information about financial accounts and transactions

97.—(1) Despite [<sup>F17</sup>regulations 89, 91, 94 and 95], sections 32 to 34 (customer information (England and Wales and Northern Ireland) and offences) and 42 (offence of disclosure) of the 2003 Act continue to have effect in relation to a request for customer information received [<sup>F18</sup>from a relevant country] by the Secretary of State under section 32 of that Act before commencement day [<sup>F19</sup>as if the relevant country continued to be a participating country within the meaning of the 2003 Act.].

(2) Despite [<sup>F20</sup>regulations 89, 91, 94 and 95], sections 37 to 39 (customer information (Scotland) and offences) and 42 (offence of disclosure) of the 2003 Act continue to have effect in relation to a request for customer information received [<sup>F21</sup>from a relevant country] by the Lord Advocate under section 37 of that Act before commencement day [<sup>F22</sup>as if the relevant country continued to be a participating country within the meaning of the 2003 Act.].

(3) Despite [<sup>F20</sup>regulations 89, 91, 94 and 95], sections 35 (account information: England and Wales and Northern Ireland), 36 (account monitoring orders: England and Wales and Northern Ireland) and 42 (offence of disclosure) of the 2003 Act continue to have effect in relation to a request for account information received [<sup>F21</sup>from a relevant country] by the Secretary of State under section 35 of that Act before commencement day [<sup>F22</sup>as if the relevant country continued to be a participating country within the meaning of the 2003 Act.].

(4) Despite [<sup>F20</sup>regulations 89, 91, 94 and 95], sections 40, 41 (account monitoring orders: Scotland) and 42 (offence of disclosure) of the 2003 Act continue to have effect in relation to a request for account information received [<sup>F21</sup>from a relevant country] by the Lord Advocate under section 40 of that Act before commencement day [<sup>F22</sup>as if the relevant country continued to be a participating country within the meaning of the 2003 Act.].

[<sup>F23</sup>(5) In this regulation “relevant country” means Iceland, Switzerland or Japan.]

[<sup>F24</sup>(6) See Article 62(1)(a) and Title VII of Part 3 of the withdrawal agreement, Article 50(1) and Title IV of Part 3 of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act.]

### Textual Amendments

- F17** Words in reg. 97(1) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), [Sch. 3 para. 2\(6\)\(a\)\(i\)](#); S.I. 2020/1662, reg. 2(dd)
- F18** Words in reg. 97(1) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), [Sch. 3 para. 2\(6\)\(a\)\(ii\)](#); S.I. 2020/1662, reg. 2(dd)
- F19** Words in reg. 97(1) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), [Sch. 3 para. 2\(6\)\(a\)\(iii\)](#); S.I. 2020/1662, reg. 2(dd)
- F20** Words in reg. 97(2)-(4) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), [Sch. 3 para. 2\(6\)\(b\)\(i\)](#); S.I. 2020/1662, reg. 2(dd)
- F21** Words in reg. 97(2)-(4) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), [Sch. 3 para. 2\(6\)\(b\)\(ii\)](#); S.I. 2020/1662, reg. 2(dd)
- F22** Words in reg. 97(2)-(4) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), [Sch. 3 para. 2\(6\)\(b\)\(iii\)](#); S.I. 2020/1662, reg. 2(dd)
- F23** Reg. 97(5) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), [Sch. 3 para. 2\(6\)\(c\)](#); S.I. 2020/1662, reg. 2(dd)
- F24** Reg. 97(6) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1408), regs. 1, **21**

### Commencement Information

**I24** Reg. 97 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### Certain mutual legal assistance requests from Iceland

**98.**—(1) Paragraph (2) applies where, before commencement day, by virtue of an agreement with the competent authority of Iceland—

- (a) a person has been transferred to that country from the United Kingdom pursuant to a warrant issued under section 47 of the 2003 Act (transfer of UK prisoner to assist investigation abroad) <sup>M29</sup>, or
- (b) a person has been transferred from that country to the United Kingdom pursuant to a warrant issued under section 48 of the 2003 Act (transfer of EU etc prisoner to assist UK investigation) <sup>M30</sup>.

(2) The provisions of the 2003 Act mentioned in paragraph (1) continue to have effect in relation to the person as if Iceland continued to be a participating country within the meaning of the 2003 Act.

(3) Paragraph (4) applies where, before commencement day, a request under section 31 of the 2003 Act (hearing witnesses in the UK by telephone) is received from an authority in Iceland.

(4) Section 31 of, and Part 2 of Schedule 2 to, the 2003 Act (evidence given by telephone link) continue to have effect in relation to the request as if Iceland continued to be a participating country within the meaning of the 2003 Act.

[<sup>F25</sup>(5) See Article 50(1) of the EEA EFTA separation agreement and sections 7B and 7C of the Withdrawal Act.]

### Textual Amendments

**F25** Reg. 98(5) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 22

### Commencement Information

**I25** Reg. 98 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

**M29** Section 47 of the [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#) was amended by paragraph 237 of Schedule 16 to the [Armed Forces Act 2006 \(c. 52\)](#).

**M30** Section 48 of the [Crime \(International Co-operation\) Act 2003](#) was amended by paragraph 52 of Part 2 of Schedule 26 to the [Criminal Justice and Immigration Act 2008 \(c. 4\)](#).

### [<sup>F26</sup>Transitional provision - requests received before commencement day

**98A.**—(1) Regulation 87(2) (amendment of the 2003 Act) does not apply in respect of any request received by the Secretary of State or by the Lord Advocate before commencement day for a process or other document to which section 1 of the 2003 Act (service of overseas process) applied to be served on a person in the United Kingdom.

(2) Paragraphs (6), (7) and (13) of regulation 87 do not apply in respect of any request for assistance in obtaining evidence in a part of the United Kingdom that is received before commencement day by the territorial authority for that part of the United Kingdom.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18. (See end of Document for details)*

(3) See Article 62(1)(a) and Title VII of Part 3 of the withdrawal agreement, Article 50(1) and (3) and Title IV of Part 3 of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act.]

#### Textual Amendments

**F26** Reg. 98A inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **23**

#### Commencement Information

**I26** Reg. 98A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## CHAPTER 8

Other retained EU law relating to mutual legal assistance in criminal matters and certain aspects of police cooperation

### Provisions of the 1990 Schengen Convention relating to police cooperation and mutual legal assistance in criminal matters

**99.** The following decisions are revoked but only so far as they relate to Articles 39, 46 to 49 and 51 of the 1990 Schengen Convention [<sup>F27</sup>(and see Article 63(1)(a) and Title VII of Part 3 of the withdrawal agreement, Articles 50(3), 52(a) and Title IV of Part 3 of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act.)]—

- (a) Council Decision [2000/365/EC](#) of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis;
- (b) Council Decision [2004/926/EC](#) of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland;
- (c) Council Decision [2014/857/EU](#) of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen acquis which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions [2000/365/EC](#) and [2004/926/EC](#).

#### Textual Amendments

**F27** Words in reg. 99 inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **29**

#### Commencement Information

**I27** Reg. 99 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### Third Pillar Conventions

**100.—(1)** The following conventions established by the Council of the European Union under former Article 34 of the Treaty on European Union are revoked, to the extent that they have been saved by the Withdrawal Act—



- (a) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Council Act of 29 May 2000);
- (b) the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Council Act of 16 October 2001).

(2) Reference in this regulation to former Article 34 of the Treaty on European Union are references to that Article as it had effect at any time before the coming into force of the Treaty of Lisbon.

[<sup>F28</sup>(3) See Articles 62(1)(a) and 62(2) and Title VII of Part 3 of the withdrawal agreement, Article 50(1) and (2) and Title IV of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act.]

#### Textual Amendments

**F28** Reg. 100(3) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **30**

#### Commencement Information

**I28** Reg. 100 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### Consequential amendment of the Investigatory Powers (Consequential Amendments etc.) Regulations 2018

**101.** Regulation 5 of the Investigatory Powers (Consequential Amendments etc.) Regulations 2018 (designation of a relevant international agreement) <sup>M31</sup> is omitted.

#### Commencement Information

**I29** Reg. 101 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

**M31** [S.I. 2018/682](#).

### Saving provision: requests for the interception of telecommunications under the 2000 MLA Convention

**102.** Regulation 101 (consequential amendment of the Investigatory Powers (Consequential Amendments etc.) Regulations 2018) does not apply in relation to a request made under Article 18 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Council Act of 29 May 2000) (requests for interception of telecommunications) received by the Secretary of State before commencement day.

#### Commencement Information

**I30** Reg. 102 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 18.