

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Crime (International Co-operation) Act 2003 ('the 2003 Act') provides statutory powers pursuant to which the United Kingdom can both seek and provide various forms of mutual legal assistance concerning criminal matters. Some of those statutory powers can, however, only be exercised where the country in question is a 'participating country' as defined in section 51(2) of the 2003 Act. Where a country is a Member State of the European Union on the date on which a provision is commenced, that country will, by virtue of 51(2)(a), fall to be regarded as a participating country for the purpose of the commenced provision. Where, however, a country is not a Member State on the date on which a provision is commenced, that country must be designated as a participating country in an order made under section 51(2)(b) in order to be regarded as a participating country for the purpose of the commenced provision.

Those powers which can only be exercised in relation to a participating country include the power for the Secretary of State to direct that an application seeking information about banking transactions in England and Wales and Northern Ireland for use abroad be made (sections 32 and 35) and the power for requests to be made to other countries for information about banking transactions for use in the UK (sections 43 to 45).

Article 3 of this Order designates Japan as a participating country for the purposes of sections 32, 35, 43, 44 and 45 of the 2003 Act. It is necessary to designate Japan as a participating country for the purpose of these provisions so that the UK may comply with, and benefit fully from, the provisions of an Agreement between the European Union and Japan on mutual legal assistance in criminal matters.