

Status: Point in time view as at 08/06/2015.

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)

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.

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.

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.

Commencement Information

I3 Sch. 1 para. 3 in force at 26.4.2004 by S.I. 2004/786, art. 3

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—

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- (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).

Commencement Information

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

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)

C1 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](#)

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Supplementary

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

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.

Commencement Information

I8 Sch. 1 para. 8 in force at 26.4.2004 by S.I. 2004/786, art. 3

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

I9 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.

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.

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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

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.

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- (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.

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

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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

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.
- (2) “Driver”—
- (a) in relation to Great Britain, has the same meaning as in the Road Traffic Act 1988 (c. 52),
 - (b) in relation to Northern Ireland, has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/ 2994 (N.I.18)).

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) or Article 43(1) of the Road Traffic Regulation (Northern Ireland) Order 1997 (S.I. 1997/ 276 (N.I.2)) (exceeding speed limit).

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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 An offence under any of the following sections of the Road Traffic Act 1988 or Articles of the Road Traffic (Northern Ireland) Order 1995—
- (a) section 1 or Article 9 (causing death by dangerous driving),
 - [^{F1}(aa) section 1A (causing serious injury by dangerous driving),]
 - (b) section 2 or Article 10 (dangerous driving),
 - [^{F2}(ba) section 2B (causing death by careless, or inconsiderate, driving),]
 - (c) section 3 or Article 12 (careless, and inconsiderate, driving),
 - [^{F3}(ca) section 3ZB (causing death by driving: unlicensed^{F4}... or uninsured drivers),]
 - [^{F5}(cb) section 3ZC (causing death by driving: disqualified drivers),
 - (cc) section 3ZD (causing serious injury by driving: disqualified drivers),]
 - (d) section 3A or Article 14 (causing death by careless driving when under influence of drink or drugs),
 - (e) section 4 or Article 15 (driving, or being in charge, when under influence of drink or drugs),
 - (f) section 5 or Article 16 (driving, or being in charge, of a motor vehicle with alcohol concentration above prescribed limit),
 - [^{F6}(fa) section 5A (driving, or being in charge, of a motor vehicle with concentration of specified controlled drug above specified limit),]
 - (g) section 6 or Article 17 (failing to provide a specimen of breath for a breath test),
 - (h) section 7 or Article 18 (failing to provide specimen for analysis or laboratory test).

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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
- F5** 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
- F6** 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

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 or Article 167(1) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/ 154 (N.I.1)) (driving while disqualified).

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 or Article 175(2) of the Road Traffic (Northern Ireland) Order 1981 (failing to stop after accident and give particulars or report of accident).

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) or 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.

Commencement Information

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

SCHEDULE 4

Section 90

TERRORIST PROPERTY: FREEZING ORDERS

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

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 ”.

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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.
- (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.

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- (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).

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.

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

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

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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.
- (8) “Country” includes territory.

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

Status: Point in time view as at 08/06/2015.

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)

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,
 - (c) any other authority in the country which appears to the Secretary of State to have the function of making such orders.

Status: Point in time view as at 08/06/2015.

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)

- (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—
- (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

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
- (b) any other member State designated by an order made by the Secretary of State.

Status: Point in time view as at 08/06/2015.

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)

- (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.
- (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

Status: Point in time view as at 08/06/2015.

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)

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,
 - (b) a prosecuting authority in the country,

Status: Point in time view as at 08/06/2015.

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)*

(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.
- (6) An Order in Council under this paragraph—

Status: Point in time view as at 08/06/2015.

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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

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

The Suppression of Terrorism Act 1978 (c. 26)

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

Status: Point in time view as at 08/06/2015.

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)

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**

The Child Abduction Act 1984 (c. 37)

- 9 The Child Abduction Act 1984 is amended as follows.

Status: Point in time view as at 08/06/2015.

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)

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](#)

- 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 ”.

Status: Point in time view as at 08/06/2015.

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)

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)**

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 ”.

Status: Point in time view as at 08/06/2015.

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)

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, ”,
 - ^{F7}(ii)
 - ^{F7}(iii)
 - (iv) in paragraph (f), before “Community licences” there is inserted “ Northern Ireland licences or ”,
 - ^{F7}(b)

Textual Amendments

F7 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)

Status: Point in time view as at 08/06/2015.

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)

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)—
- ^{F8}(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

F8 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, ”,
- ^{F9}(b)
- (c) subsections (3) to (5) are omitted.

Textual Amendments

F9 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 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 ”,

Status: Point in time view as at 08/06/2015.

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)

- (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\(1\)\(2\)\(b\)](#)

F1028

Textual Amendments

- F10** 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](#))

F1129

Textual Amendments

- F11** 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

F1230

Textual Amendments

- F12** 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\(1\)\(2\)\(b\)](#)

The Road Traffic Offenders Act 1988 (c. 53)

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

Status: Point in time view as at 08/06/2015.

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)

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)—
^{F13}(a)
 (b) for “and “EEA State”” there is substituted “ , “EEA State” and “Northern Ireland licence” ”.

Textual Amendments

F13 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 ”,
^{F14}(d)

Textual Amendments

F14 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

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)—

Status: Point in time view as at 08/06/2015.

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)*

- (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 ”,
- ^{F15}(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

F15 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”.

Commencement Information

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

Status: Point in time view as at 08/06/2015.

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)

- 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.

Commencement Information

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

Status: Point in time view as at 08/06/2015.

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)

- 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.”,
^{F16}(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

F16 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 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).”

Status: Point in time view as at 08/06/2015.

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)

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

Status: Point in time view as at 08/06/2015.

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)

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.

(1B) Where the Secretary of State is sent by that licensing authority particulars of a notice served on the holder of a licence under

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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)

a provision of Northern Ireland law corresponding to sub-paragraph (1), he must by notice served on that person revoke his test certificate.”,

^{F17}(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

F17 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.”,

^{F18}(b)

(c) at the end there is inserted—

“(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

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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)

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

F18 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)

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

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

Status: Point in time view as at 08/06/2015.

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)

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](#)

The United Nations Personnel Act 1997 (c. 13)

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

Status: Point in time view as at 08/06/2015.

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)

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)

72 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

Commencement Information

I115 Sch. 5 para. 72 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

Status: Point in time view as at 08/06/2015.

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)

- 73 In section 146 (driving disqualification for any offence)—
- (a) in subsection (4), the “or” at the end of paragraph (a) is omitted and after that paragraph there is inserted—
- “(aa) in the case where he holds a Northern Ireland licence (within the meaning of Part 3 of the Road Traffic Act 1988), his Northern Ireland licence and its counterpart (if any); or”,
- ^{F19}(b)

Textual Amendments

F19 Sch. 5 para. 73(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

I116 Sch. 5 para. 73 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

- 74 In section 147 (driving disqualification where vehicle used for purposes of crime), in subsection (5), the “or” at the end of paragraph (a) is omitted and after that paragraph there is inserted—
- “(aa) in the case where he holds a Northern Ireland licence (within the meaning of Part 3 of the Road Traffic Act 1988), his Northern Ireland licence and its counterpart (if any); or”.

Commencement Information

I117 Sch. 5 para. 74 in force at 11.10.2004 by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(b\)](#)

The Terrorism Act 2000 (c. 11)

- 75 The Terrorism Act 2000 is amended as follows.

Commencement Information

I118 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

I119 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);”.

Status: Point in time view as at 08/06/2015.

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)

Commencement Information

I120 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.

Commencement Information

I121 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

I122 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

I123 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

I124 Sch. 5 para. 81 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

Status: Point in time view as at 08/06/2015.

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)

The Proceeds of Crime Act 2002 (c. 29)

F20 82

Textual Amendments

F20 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)

F21 83

Textual Amendments

F21 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

I125 Sch. 6 in force at 26.4.2004 for specified purposes by [S.I. 2004/786](#), [art. 3](#)

I126 Sch. 6 in force at 11.10.2004 for specified purposes by [S.I. 2004/2624](#), [art. 2\(1\)\(2\)\(c\)](#)

I127 [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).

Status: Point in time view as at 08/06/2015.

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)*

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).
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).

Status:

Point in time view as at 08/06/2015.

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.