



Crime (International Co-operation) Act 2003

2003 CHAPTER 32

PART 1

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

CHAPTER 2

MUTUAL PROVISION OF EVIDENCE

Overseas freezing orders

21 Considering the order

- (1) In relation to England and Wales and Northern Ireland, where this section applies the Secretary of State must—
 - (a) by a notice nominate a court in England and Wales or (as the case may be) Northern Ireland to give effect to the overseas freezing order,
 - (b) send a copy of the overseas freezing order to the nominated court and to the chief officer of police for the area in which the evidence is situated,
 - (c) tell the chief officer which court has been nominated.
- (2) In relation to Scotland, where this section applies the Lord Advocate must—
 - (a) by a notice nominate a sheriff to give effect to the overseas freezing order,
 - (b) send a copy of the overseas freezing order to the sheriff and to the procurator fiscal.

In relation to Scotland, references below in this section and in sections 22 to 25 to the nominated court are to be read as references to the nominated sheriff.

Status: This is the original version (as it was originally enacted).

- (3) The nominated court is to consider the overseas freezing order on its own initiative within a period prescribed by rules of court.
- (4) Before giving effect to the overseas freezing order, the nominated court must give the chief officer of police or (as the case may be) the procurator fiscal an opportunity to be heard.
- (5) The court may decide not to give effect to the overseas freezing order only if, in its opinion, one of the following conditions is met.
- (6) The first condition is that, if the person whose conduct is in question were charged in the participating country with the offence to which the overseas freezing order relates or in the United Kingdom with a corresponding offence, he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.
- (7) The second condition is that giving effect to the overseas freezing order would be incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998 (c. 42)).