

This Statutory Instrument amends the Criminal Justice and Data Protection (Protocol No.36) Regulations 2014 (S.I. 2014/3141). It is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2014 No. 3191

CRIMINAL LAW

DATA PROTECTION

**The Criminal Justice and Data Protection (Protocol No. 36)
(Amendment) Regulations 2014**

<i>Made</i>	- - - -	<i>2nd December 2014</i>
<i>Laid before Parliament</i>		<i>2nd December 2014</i>
<i>Coming into force</i>	- -	<i>3rd December 2014</i>

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to criminal justice^(b) and data protection^(c), in exercise of the powers conferred by that section, makes the following Regulations.

Citation and commencement

1. These Regulations—

- (a) may be cited as the Criminal Justice and Data Protection (Protocol No. 36) (Amendment) Regulations 2014; and
- (b) come into force on 3rd December 2014.

Amendments to the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014

2.—(1) The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014^(d) are amended as follows.

(2) In regulation 3 (interpretation), in paragraph (1) omit the definition of “working day”.

(3) In regulation 5 (interpretation), and in Schedule 2 (proceeds of crime (foreign property and foreign orders): Northern Ireland), in paragraph 1 (interpretation), at the end insert—

(a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
(b) S.I. 2012/2752.
(c) S.I. 1998/2793.
(d) S.I. 2014/3141.

“;

“working day” means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a).”

(4) In regulation 8 (sending overseas restraint orders to the court), in paragraph (6)(a), and in Schedule 1 (proceeds of crime (foreign property and foreign orders): Scotland), in paragraph 4 (sending overseas restraint orders to the court), in sub-paragraph (6)(a), and in Schedule 2 (proceeds of crime (foreign property and foreign orders): Northern Ireland), in paragraph 4 (sending overseas restraint orders to the court), in sub-paragraph (6)(a), for “a court exercising criminal jurisdiction” substitute “an appropriate court or authority”.

(5) In regulation 18 (notification, communication, etc.)—

- (a) in paragraph (4)(b), for “issued” substitute “made or confirmed”; and
- (b) in paragraph (8), in the definition of “relevant decision”, in paragraphs (d) and (g), for “discharge (or in Scotland, to recall)” substitute “cancel the registration of”.

(6) In regulation 40 (transfer to competent authorities in third countries or to international bodies), in paragraph (1)(d), for “(3)” substitute “(4)”.

(7) In regulation 60 (circulars)—

- (a) in paragraph (3), for “paragraph (1)” substitute “paragraphs (1) and (4)”; and
- (b) in paragraph (4), after “Relevant” insert “UK”.

(8) In regulation 67 (replies to a request for information under Article 6 of the Framework Decision in relation to criminal proceedings and proceedings other than criminal proceedings), in paragraph (2)(c), for “by” substitute “on or before”.

(9) In regulation 71 (deadlines for replies to a request for information under Article 6 of the Framework Decision)—

- (a) in paragraph (1), for “regulation 66(1)” substitute “Article 6(1) of the Framework Decision”; and
- (b) in paragraph (3), for “regulation 66(2)” substitute “Article 6(2) of the Framework Decision”.

(10) In regulation 91 (power of arrest where magistrates’ court responsible for monitoring supervision measures: England and Wales), in paragraph (9)(a), and in regulation 110 (power of arrest where magistrates’ court responsible for monitoring supervision measures: Northern Ireland), in paragraph (8)(a), before “issuing” insert “competent authority of the”.

(11) In Schedule 1, in paragraph 1 (interpretation), at the end insert—

“;

“working day” means a day other than a Saturday, Sunday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971”.

(12) In Schedule 4 (UK competent authorities)—

- (a) omit “The Chief Executive of the Scottish Prison Service”;
- (b) for “The Director of Public Prosecution Service Northern Ireland” substitute “The Director of Public Prosecutions for Northern Ireland”;
- (c) omit “The Foreign and Commonwealth Office”, “The Home Office”, “The Ministry of Defence”, and “The Ministry of Justice”;
- (d) in the entries between “The Scottish Police Authority” and “The Serious Fraud Office”, in each place where it occurs, omit “the Department for” or “the Department of”, as the case may be; and
- (e) after the entry amended by paragraph (d) concerning—

(a) 1971 c. 80.

- (i) “The Secretary of State for Communities and Local Government” insert “The Secretary of State for Defence”;
- (ii) “The Secretary of State for Environment, Food and Rural Affairs” insert “The Secretary of State for Foreign and Commonwealth Affairs”; and
- (iii) “The Secretary of State for Health” insert—
“The Secretary of State for the Home Department
The Secretary of State for Justice”.

Home Office
2nd December 2014

Karen Bradley
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made immediately after, come into force simultaneously with, and make minor amendments to, the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141) in relation to the transposition of a number of provisions of Council Framework Decision 2003/577/JHA of 22nd July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p.45), Council Framework Decision 2006/783/JHA of 6th October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p.59), Council Framework Decision 2006/960/JHA of 18th December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 386, 29.12.2006, p.89), Council Framework Decision 2008/977/JHA of 27th November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ L 350, 30.12.2008, p.60), Council Framework Decision 2009/315/JHA of 26th February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4.2009, p.23), and Council Framework Decision 2009/829/JHA of 23rd October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (OJ L 294, 11.11.2009, p.20).

A relevant impact assessment in respect of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014, was laid before Parliament in July 2014 (Cm 8897), and can be found at <https://www.gov.uk/government/publications/decision-pursuant-to-article-105-of-protocol-36-to-the-treaty-on-the-functioning-of-the-european-union>.

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