
STATUTORY INSTRUMENTS

2017 No. 730

The Criminal Justice (European Investigation Order) Regulations 2017

PART 3

Recognition and execution in the United Kingdom of a European investigation order made in a participating State

CHAPTER 6

Referral to an executing authority for assistance in execution of a European investigation order

Referral to executing authorities

51.—(1) A central authority may refer a European investigation order to an executing authority where the central authority considers that—

- (a) the executing authority is likely to be able to give effect to the order, and
- (b) it is expedient for the executing authority to give effect to the order.

(2) But the central authority must make a referral under this regulation where it considers that—

- (a) the executing authority is likely to be able to give effect to the order;
- (b) recognition or execution of the European investigation order cannot be refused under regulation 28, and
- (c) it will not be possible to give effect to the order unless a referral is made.

(3) A referral made under this regulation must be accompanied by a notice specifying—

- (a) the action the executing authority is expected to take in order to give effect to the European investigation order;
- (b) the time period within which the action should be carried out in order to comply with any requirement imposed by regulation 30, and
- (c) details of any time period within which the executing authority should raise any objection to the central authority's decision to recognise the European investigation order, or to the central authority's decision to make a referral under this regulation.

(4) The central authority may withdraw a referral made under this regulation.

(5) The central authority in relation to England and Wales and Northern Ireland may not refer a European investigation order to the Director of the Serious Fraud Office under this regulation unless the authority considers that the order relates to an offence involving serious or complex fraud.

Lord Advocate's direction in relation to serious or complex fraud

52.—(1) This regulation applies if it appears to the Lord Advocate that a European investigation order relates to an offence involving serious or complex fraud.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The Lord Advocate may give a direction under section 27 of the Criminal Law (Consolidation) (Scotland) Act 1995 (Lord Advocate's direction)(**1**) for the purposes of giving effect to the order.

(1) [1995 c. 39](#); section 27 was amended by paragraph 62 of Schedule 5 to the Crime (International Co-operation) Act 2003.