
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 3

Execution of a European investigation order relating to witness evidence and hearings

Nominating a court to receive evidence from a person

35.—(1) This regulation applies where a European investigation order contains a request for a person in the United Kingdom to be heard as a witness, expert, victim, suspect, accused person or third party for the purpose of receiving evidence from them.

(2) The central authority may by notice nominate a court to receive any evidence to which the European investigation order relates for the purpose of giving effect to the order.

(3) But where it appears to the central authority that the conditions in paragraph (4) are satisfied, it must nominate a court under paragraph (2).

(4) The conditions are—

(a) that recognition or execution of the European investigation order cannot be refused under regulation 28, and

(b) that—

(i) the person from whom the evidence is to be received is unwilling to provide it in an alternative form, or

(ii) the person from whom the evidence is to be received is willing to provide it in an alternative form, but the issuing authority does not agree to receive it in that form.

(5) A court nominated under this regulation must give effect to the European investigation order in accordance with Schedule 5, before the end of the required period.

(6) The required period is—

(a) 90 days beginning with the day after the day on which the court is nominated, or

(b) any other period as may be agreed between the nominated court, the central authority and the issuing authority.

(7) In this regulation, “evidence in an alternative form” means—

(a) evidence in the form of a witness statement or other document;

(b) evidence in the form of a record of an interview with the person concerned;

(c) evidence in any other form mutually agreed upon between the central authority, the issuing authority and the person from whom the evidence is to be received.