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STATUTORY INSTRUMENTS

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**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 4**

Execution of a European investigation order by means of a search warrant etc.

**Search warrants and production orders: nominating a court**

**38.**—(1) This regulation applies if it appears to the central authority that in order to give effect to the European investigation order it will be necessary for a court to issue a warrant or, as the case may be, make a production order under regulation 39.

(2) Where it appears to the central authority that the condition in paragraph (3) is met, it may by notice nominate a court to issue a warrant or make a production order.

(3) The condition is that the conduct in relation to which the European investigation order was issued would, if it had occurred in the relevant part of the United Kingdom, constitute an indictable offence under the law of that part of the United Kingdom.

(4) But the central authority must nominate a court under paragraph (2) where it appears that, in addition, recognition or execution of the European investigation order cannot be refused under regulation 28.

(5) If the Secretary of State nominates a court under this regulation, he or she must—

- (a) send a copy of the European investigation order to that court;
- (b) send a copy of the order to the chief officer of police for the police area in which the evidence is situated, and
- (c) tell the chief officer which court has been nominated.

(6) In relation to Scotland, in this regulation “court” means “sheriff court”.

(7) References to “the nominated court” in regulations 39 to 41 are references to a court nominated under this regulation, or in relation to Scotland, any sheriff at a court nominated under this regulation.