

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Part 1 of the Crime (International Co-operation) Act 2003 (“the 2003 Act”) provides statutory powers pursuant to which the United Kingdom can both seek and provide various forms of mutual legal assistance concerning criminal matters. Some of those statutory powers can, however, only be exercised where the country in question is a “participating country” as defined in section 51(2) of the 2003 Act.

Those powers which can only be exercised in relation to participating countries include the power for the Lord Advocate to direct that an application seeking information about banking transactions in Scotland for use abroad must be made (sections 37 and 40) and the power for requests to be made to other countries for information about banking transactions for use in the UK (sections 43 to 45).

Article 2 of this Order designates Japan as a participating country for the purposes of sections 37, 40, 43, 44 and 45 of the 2003 Act.