

2011 No. 7

CRIMINAL LAW

**The Crime (International Co-operation) Act 2003 (Designation
of Participating Countries) (Scotland) Order 2011**

Made - - - - *17th January 2011*

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 51(2)(b) of the Crime (International Co-operation) Act 2003(a) and all other powers enabling them to do so.

In accordance with section 50(5)(b) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2011 and shall come into force on the day after the day on which it is made.

Designation of participating country

2. Japan is designated as a participating country in relation to the following provisions of the Crime (International Co-operation) Act 2003—

- (a) section 37 (customer information);
- (b) section 40 (account information);
- (c) section 43 (information about a person's bank account);
- (d) section 44 (monitoring banking transactions); and
- (e) section 45 (sending requests for assistance).

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
17th January 2011

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.

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