
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019**

PART 12

**Exchange of Information and Intelligence between Law
Enforcement Authorities and Disclosure in Foreign Proceedings**

CHAPTER 1

Exchange of information and intelligence between law enforcement authorities

Introductory

42.—(1) In this Part, the expressions which are defined in regulation 53 of the CJD⁽¹⁾ Regulations (interpretation) have the meanings given in that regulation (disregarding for this purpose the revocation made by regulation 43 (revocation of Part 5 of the CJD⁽¹⁾ Regulations)).

(2) Regulation 53 of the CJD⁽¹⁾ Regulations continues to apply for the purposes of any provision of Part 5 of the CJD⁽¹⁾ Regulations (exchange of information and intelligence between law enforcement authorities) which is continued by this Part.

Revocation of Part 5 of the CJD⁽¹⁾ Regulations

43. Subject to regulations 44 to 47 (transitional and saving provisions), Part 5 of the CJD⁽¹⁾ Regulations is revoked.

Transitional provision – requests for information or intelligence received before commencement day

44.—(1) This regulation applies where—

- (a) a request referred to in regulation 54(1) of the CJD⁽¹⁾ Regulations (duty to provide information or intelligence) was made to a UK competent authority before commencement day, and
- (b) the information or intelligence was not provided before commencement day.

(2) The following provisions of the CJD⁽¹⁾ Regulations continue to have effect in relation to the request, subject to the modification in paragraph (3)—

- (a) regulation 54;
- (b) regulation 58(2) and (6) (requirements for the sharing of information or intelligence);
- (c) regulation 59 (reasons to withhold information or intelligence).

(3) The modifications are that—

(1) Part 5 was amended by [S.I. 2014/3191](#).

- (a) paragraph (2) of regulation 58 is to be read as if the words “in accordance with the Framework Decision” were omitted;
 - (b) paragraphs (3) and (4) of regulation 59 (reasons to withhold information or intelligence) are to be read as if the words “under the Framework Decision” in each paragraph were omitted.
- (4) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued to be a member State.

Saving provision – information and intelligence supplied before commencement day

- 45.—(1) This regulation applies in relation to information or intelligence supplied to a UK competent authority before commencement day in accordance with the Framework Decision.
- (2) The following provisions of the CJDP Regulations continue to have effect in relation to the information or intelligence, subject to the modification in paragraph (3)—
- (a) regulation 58(1), (4) and (5) (requirements for the sharing of information or intelligence);
 - (b) regulation 59 (reasons to withhold information or intelligence), in so far as it applies for the purposes of regulation 58(5).
- (3) The modification is that paragraphs (3) and (4) of regulation 59 are to be read as if the words “under the Framework Decision” in each paragraph were omitted.
- (4) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued to be a member State.

Saving provision – representations concerning use of information or intelligence

- 46.—(1) This regulation applies where the UK competent authority has imposed conditions on the use of information or intelligence under regulation 58(2) of the CJDP Regulations (requirements for the sharing of information or intelligence), whether before commencement day or (in a case to which regulation 44 (transitional provision) applies) on or after commencement day.
- (2) Regulation 58(3) continues to have effect with the omission of sub-paragraph (b) in relation to the use of the information or intelligence.

Saving provision – information obtained by a UK member of an international joint investigation team

- 47.—(1) This regulation applies in relation to information referred to in regulation 61(2) of the CJDP Regulations (joint investigation teams) which was lawfully obtained by a UK member (within the meaning of that regulation) before commencement day.
- (2) Regulation 61 of the CJDP Regulations continues to have effect in relation to the information.
- (3) The provision referred to in paragraph (2) is to be construed as if the United Kingdom continued to be a member State.

CHAPTER 2

Disclosure in foreign proceedings.

Amendment of the Anti-terrorism, Crime and Security Act 2001

48. In section 18(4)(b) of the Anti-terrorism, Crime and Security Act 2001⁽²⁾ (restriction on disclosure of information for overseas purposes), for “an EU obligation” substitute “a retained EU obligation”.

(2) 2001 c. 24. Section 18 was amended by [S.I. 2011/1043](#).