

---

DRAFT STATUTORY INSTRUMENTS

---

**2019 No.**

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

**PART 18**

**Mutual Legal Assistance in Criminal Matters**

**CHAPTER 1**

**Interpretation**

**Interpretation**

**73.** In this Part—

“the 2003 Act” means the Crime (International Co-operation) Act 2003<sup>(1)</sup>;

“the 2017 Regulations” means the Criminal Justice (European Investigation Order) Regulations 2017<sup>(2)</sup>;

“central authority” has the same meaning as in the 2017 Regulations;

“country” has the same meaning as in Part 1 of the 2003 Act;

“EU prisoner” has the same meaning as in the 2017 Regulations;

“participating State” has the same meaning as in the 2017 Regulations;

“prisoner” has the same meanings as in the 2017 Regulations.

**CHAPTER 2**

**Revocation of the 2017 Regulations**

**Revocation of the 2017 Regulations**

**74.** The 2017 Regulations are revoked.

**CHAPTER 3**

**Amendment of primary legislation consequential upon amendments made by this Part**

**Amendment of the Criminal Justice Act 1987**

**75.—**(1) The Criminal Justice Act 1987<sup>(3)</sup> is amended as follows.

(2) In section 2 (Director’s investigation powers)<sup>(4)</sup>—

---

(1) 2003 c. 32.

(2) S.I. 2017/730 as amended by S.I. 2018/378.

(3) 1987 c. 38.

(4) Section 2(1A) was inserted by section 164(2)(c) of the Criminal Justice and Public Order Act 1994 (c. 33) and amended by S.I. 2017/730. Section 2(18) was amended by S.I. 2017/730. There are other amendments not relevant to this instrument.

- (a) in subsection (1A), for paragraph (b) substitute—
- “(b) the Secretary of State acting under section 15(2) of the Crime (International Co-operation) Act 2003, in response to a request received from a person mentioned in section 13(2) of that Act (an “overseas authority”).”;
- (b) in subsection (18), omit the definition of “overseas authority”.
- (3) In section 3(6) (disclosure of information)(5), in paragraph (n), for “the Treaty on European Union or any other” substitute “a”.

#### **Amendment of the Criminal Justice Act 1988**

76. In Schedule 13 to the Criminal Justice Act 1988 (evidence before service courts)(6), in paragraph 6 (letters of request etc.), in sub-paragraph (1), omit “, and no order shall be made or validated under Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017”.

#### **Amendment of the Criminal Procedure (Scotland) Act 1995**

77.—(1) The Criminal Procedure (Scotland) Act 1995(7) is amended as follows.

- (2) In section 210(1) (consideration of time spent in custody)(8), in paragraph (c), omit “or regulation 20 or 54 of the Criminal Justice (European Investigation Order) Regulations 2017”.
- (3) In section 267A (citation of witnesses for precognition)(9), omit subsection (1A).
- (4) In section 272 (evidence by letter of request or on commission)(10), omit subsection (14).
- (5) In section 273 (television link evidence from abroad)(11), omit subsection (5).

#### **Amendment of the Criminal Law (Consolidation) (Scotland) Act 1995**

78. In section 27 of the Criminal Law (Consolidation) Scotland Act 1995 (Lord Advocate’s direction)(12), for subsection (2) substitute—

“(2) The Lord Advocate may also give a direction under this section by virtue of section 15(4) of the Crime (International Co-operation) Act 2003 or on a request made by the Attorney-General of the Isle of Man, Jersey or Guernsey acting under legislation corresponding to this Part of this Act.”.

- 
- (5) Section 3(6) was amended by section 80(b) of the Crime (International Co-operation) Act 2003 (c. 32). There are other amendments not relevant to this instrument.
- (6) 1988 c. 33. Paragraph 6 of Schedule 13 was amended by paragraph 6 of Schedule 4 to the Criminal Justice (International Co-operation) Act 1990 (c. 5), by paragraph 16 of Schedule 5 to the Crime (International Co-operation) Act 2003, and by S.I. 2017/730.
- (7) 1995 c. 46.
- (8) Section 210 was amended by section 12 of the Crime and Punishment (Scotland) Act 1997 (c. 48), by paragraph 8(14) of Schedule 4 and Part 1 of Schedule 5 to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), by paragraph 65 of Schedule 5 to the Crime (International Co-operation) Act 2003, by section 172 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and by S.I. 2017/730.
- (9) Section 267A was inserted by section 22 of the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5) and by S.I. 2017/730.
- (10) Section 272 was amended by section 35(4) of the Criminal Proceedings etc (Reform) (Scotland) Act 2007 (asp 6) and by S.I. 2017/730.
- (11) Section 273 was amended by section 91(2) of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13 and by S.I. 2017/730.
- (12) 1995 c. 39. Section 27 was amended by paragraph 62 of Schedule 5 to the Crime (International Co-operation) Act 2003 and by S.I. 2017/730.

### **Amendment of the Criminal Justice and Police Act 2001**

**79.**—(1) Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which the additional powers in section 50 of that Act apply)(**13**) is amended as follows.

(2) In paragraph 73C(**14**), for “sections 17 and 22” substitute “section 17”.

(3) Omit paragraph 73R(**15**).

### **Amendment of the Criminal Justice Act 2003**

**80.** In section 117 of the Criminal Justice Act 2003 (hearsay evidence: business and other documents)(**16**), in subsection (4)(b)(iii) omit “an order under Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017”.

### **Amendment of the Criminal Justice (Evidence) (Northern Ireland) Order 2004**

**81.** In article 21 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004 (hearsay evidence: business and other documents)(**17**), in paragraph (4)(b)(iii) omit “an order under Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017”.

### **Amendment of the Investigatory Powers Act 2016**

**82.**—(1) The Investigatory Powers Act 2016(**18**) is amended as follows.

(2) In section 10 (restriction on requesting assistance under mutual assistance agreements etc.)(**19**)—

(a) in subsection (1), omit paragraph (a) and the “and” at the end of that paragraph;

(b) in subsection (3), omit the definition of “EU mutual assistance instrument”.

(3) In section 15(4) (warrants that may be issued under Chapter 1 of Part 2)—

(a) in paragraph (a), omit “an EU mutual assistance instrument or”;

(b) in paragraph (b), omit “instrument or”.

(4) In section 18(1)(h) (persons who may apply for issue of a warrant), omit “an EU mutual assistance instrument or”.

(5) In section 20(3)(a) (grounds on which warrants may be issued by Secretary of State), omit “an EU mutual assistance instrument or”.

(6) In section 21(4)(b)(i) (power of Scottish Ministers to issue warrants), omit “an EU mutual assistance instrument or”.

(7) In section 40 (special rules for certain mutual assistance warrants)—

(a) in subsection (1)(a), omit “an EU mutual assistance instrument or”;

(b) in subsections (3)(a) and (5)(a), omit “an EU mutual assistance instrument or” and “(as the case may be)”.

(8) In section 60(1) (Part 2: interpretation), omit the definition of “EU mutual assistance instrument”.

---

(13) 2001 c. 16.

(14) Paragraph 73C was inserted by section 26(3)(b) of the Crime (International Co-operation) Act 2003.

(15) Paragraph 73R was inserted by S.I. 2017/730.

(16) 2003 c.44. Section 117 was amended by S.I. 2017/730.

(17) S.I. 2004/1501 (N.I. 10) was amended by S.I. 2017/730.

(18) 2016 c. 25.

(19) Section 10 was amended by S.I. 2017/730.

## CHAPTER 4

### Saving provisions relating to European investigation orders

#### **Outgoing European investigation orders (other than relating to the temporary transfer of a prisoner or EU prisoner)**

**83.**—(1) This regulation applies in relation to a European investigation order transmitted under regulation 9 (transmission of a European investigation order) or 10 (variation or revocation of a European investigation order) of the 2017 Regulations before commencement day.

(2) Regulations 77(4) and (5) (amendment of the Criminal Procedure (Scotland) Act 1995), 80 (amendment of the Criminal Justice Act 2003), 81 (amendment of the Criminal Justice (Evidence) (Northern Ireland) Order 2004) and 82 (amendment of the Investigatory Powers Act 2016) of these Regulations do not apply.

(3) The following provisions of the 2017 Regulations continue to have effect—

- (a) regulation 10 (variation or revocation of a European investigation order), but modified to read as if—
  - (i) the words “vary or” where they appear in each of paragraphs (1) and (2) were omitted;
  - (ii) paragraphs (6) and (7) were omitted;
- (b) regulation 12 (use of evidence);
- (c) regulations 2 and 5 (interpretation), Part 1 of Schedule 1 (designated public prosecutors) and Schedule 2 (participating States), but only for the purposes of the provisions which continue to have effect by virtue of sub-paragraphs (a) and (b).

(4) In this regulation, “European investigation order” has the meaning given by regulation 5(1) (a) of the 2017 Regulations.

#### **Incoming European investigation order (other than relating to a request for the temporary transfer of a prisoner)**

**84.**—(1) This regulation applies in relation to a European investigation order received before commencement day by a central authority in the United Kingdom, to the extent that the order does not relate to a request for the temporary transfer of a prisoner or an EU prisoner.

(2) Regulations 75 (amendment of the Criminal Justice Act 1987), 77(3) (amendment of the Criminal Procedure (Scotland) Act 1995), 78 (amendment of the Criminal Law (Consolidation) (Scotland) Act 1995) and 79(3) (amendment of the Criminal Justice and Police Act 2001) of these Regulations do not apply.

(3) The following provisions of the 2017 Regulations continue to have effect—

- (a) Part 3 (recognition and execution of a European investigation order made in a participating State), except Chapter 7 of that Part;
- (b) regulation 59 (designation for the purposes of the Investigatory Powers Act 2016);
- (c) Part 4 of Schedule 1 (designated executing authorities);
- (d) Schedule 4 (general grounds for refusal), Schedule 5 (receiving evidence before a nominated court), and Schedule 6 (hearing a person by video-link or telephone conference);
- (e) regulation 2 (general interpretation) and Schedule 2 (participating States), but only for the purpose of the provisions which continue to have effect by virtue of sub-paragraphs (a) to (d).

(4) In this regulation “European investigation order” has the meaning given by regulation 25 of the 2017 Regulations (interpretation).

**European investigation order made in the United Kingdom relating to the temporary transfer of a prisoner or EU prisoner**

**85.**—(1) In relation to a prisoner temporarily transferred to a participating State pursuant to a European investigation order made and transmitted under regulation 22 of the 2017 Regulations (European investigation order for the temporary transfer of a prisoner) before commencement day—

- (a) regulation 77(2) (amendment of the Criminal Procedure (Scotland) Act 1995) of these Regulations does not apply;
- (b) the following provisions of the 2017 Regulations continue to have effect—
  - (i) regulation 20 (temporary transfer of UK prisoner to participating State for the purpose of UK investigation);
  - (ii) regulation 24 (time spent by UK prisoner in custody overseas);
  - (iii) regulations 2 and 5 (interpretation) and Schedule 2 (participating States), but only for the purpose of the other provisions which continue to have effect by virtue of this this sub-paragraph.

(2) In relation to an EU prisoner temporarily transferred to the United Kingdom pursuant to a European investigation order made and transmitted under regulation 22 of the 2017 Regulations before commencement day, the following provisions of those Regulations continue to have effect—

- (a) regulation 21 (temporary transfer of EU prisoner to the UK for the purposes of UK investigation or proceedings);
- (b) regulation 23 (restrictions on prosecution and detention for other matters);
- (c) regulations 2 and 5 and Schedule 2, but only for the purpose of the provisions which continue to have effect by virtue of sub-paragraphs (a) and (b).

(3) In this regulation, “European investigation order” has the meaning given by regulation 5(1) (a) of the 2017 Regulations.

**European investigation order made in a participating State relating to the temporary transfer of a prisoner or EU prisoner**

**86.**—(1) In relation to a prisoner temporarily transferred to a participating State pursuant to a warrant issued by the Secretary of State or Scottish Ministers under regulation 54 of the 2017 Regulations (temporary transfer of UK prisoner to issuing State for the purpose of issuing State’s investigation or proceedings) before commencement day—

- (a) regulation 77(2) (amendment of the Criminal Procedure (Scotland) Act 1995) of these Regulations does not apply;
- (b) the following provisions of the 2017 Regulations continue to have effect—
  - (i) regulation 54;
  - (ii) regulation 57 (time spent by UK prisoner in custody overseas);
  - (iii) regulations 2 and 25 (interpretation) and Schedule 2 (participating States), but only for the purpose of the other provisions which continue to have effect by virtue of this sub-paragraph.

(2) In relation to an EU prisoner temporarily transferred to the United Kingdom pursuant to a warrant issued by the Secretary of State or Scottish Ministers under regulation 55 of the 2017 Regulations (temporary transfer of EU prisoner to the UK for the purpose of issuing State’s

investigation) before commencement day, the following provisions of those Regulations continue to have effect—

- (a) regulation 55;
- (b) regulation 56 (restrictions on prosecution and detention for other matters);
- (c) regulations 2 and 25 (interpretation) and Schedule 2 (participating States), but only for the purpose of the provisions which continue to have effect by virtue of sub-paragraphs (a) and (b).

## CHAPTER 5

### Amendment of the 2003 Act

#### Amendment of the 2003 Act

**87.**—(1) The 2003 Act is amended as follows.

- (2) In section 1 (service of overseas process)—
  - (a) in subsection (1)—
    - (i) omit “or other document”;
    - (ii) omit “or document”;
  - (b) in subsection (2), omit paragraphs (b), (c) and (d);
  - (c) in subsections (3) and (4), omit “or document”.
- (3) In section 7 (requests for assistance in obtaining evidence abroad), omit subsection (7).
- (4) In section 8(3) (sending requests for assistance), omit paragraph (b) and the “or” immediately before it.
- (5) Omit the following—
  - (a) section 10 (domestic freezing orders);
  - (b) section 11 (sending freezing orders);
  - (c) section 12 (variation or revocation of freezing orders);
- (6) In section 13(3) (requests for assistance from overseas authorities), omit paragraph (b).
- (7) In section 14 (powers to arrange for evidence to be obtained)—
  - (a) in subsection (1), omit paragraphs (b) and (c);
  - (b) in subsection (2)—
    - (i) omit “or (b)”;
    - (ii) omit “An offence includes an act punishable in administrative proceedings.”.
- (8) Omit the following—
  - (a) section 20 (overseas freezing orders);
  - (b) section 21 (considering overseas freezing orders);
  - (c) section 22 (giving effect to overseas freezing orders);
  - (d) section 23 (postponement);
  - (e) section 24 (evidence seized by or produced to a constable);
  - (f) section 25 (release of evidence held);
- (9) In section 26 (powers under warrants)—
  - (a) in subsection (1) omit “or 22”;
  - (b) omit subsection (2).

- (10) In section 28 (interpretation of Chapter 2)—
- (a) in subsection (1), omit the following definitions—
    - (i) “domestic freezing order”;
    - (ii) “overseas freezing order”;
    - (iii) “the relevant Framework Decision”;
  - (b) omit subsections (5) to (8).
- (11) Omit Chapter 4 of Part 1 (information about banking transactions).
- (12) In section 50(5) (subordinate legislation)(**20**), omit “designating a country other than a member State”.
- (13) In section 51 (general interpretation)(**21**)—
- (a) in subsection (1), omit the following definitions—
    - (i) “the 2001 Protocol”;
    - (ii) “administrative proceedings”;
    - (iii) “clemency proceedings”;
    - (iv) “criminal proceedings”;
    - (v) “the Mutual Legal Assistance Convention”;
    - (vi) “the Schengen Convention”;
  - (b) in subsection (2)—
    - (i) omit paragraph (a) and the “and” at the end of that paragraph;
    - (ii) in paragraph (b), omit “other”.

## CHAPTER 6

### Amendment and revocation of subordinate legislation made under the 2003 Act

#### **Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2009**

**88.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2009(**22**) is amended as follows.

(2) For article 3 substitute—

“**3.** Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden are designated as participating countries under section 51(2)(b) of the 2003 Act for the purposes of sections 31, 47 and 48 of, and paragraph 15 of Schedule 2 to, that Act.”

(3) Omit article 4.

#### **Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 2) Order 2009**

**89.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales, and Northern Ireland) (No. 2) Order 2009(**23**) is amended as follows.

---

(20) There are amendments to section 50 not relevant for the purposes of this instrument.

(21) Section 51 was amended by [S.I. 2013/602](#) and [2017/730](#).

(22) [S.I. 2009/613](#) as amended by [SI 2017/730](#).

(23) [S.I. 2009/1764](#).

- (2) In article 3—
  - (a) for “Iceland and Norway are designated as participating countries” substitute “Norway is designated as a participating country”;
  - (b) omit “32, 35, 43, 44, 45,”.
- (3) Omit article 4.

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2009**

**90.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2009<sup>(24)</sup> is amended as follows.

- (2) For article 2 substitute—
  - “**2.** Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden are designated as participating countries under section 51(2)(b) of the 2003 Act for the purposes of sections 31, 47 and 48 of, and paragraph 15 of Schedule 2 to, that Act.”.
- (3) Omit article 3.

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 2) Order 2009**

**91.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 2) Order 2009<sup>(25)</sup> is amended as follows.

- (2) In article 2—
  - (a) for “Iceland and Norway are designated as participating countries” substitute “Norway is designated as a participating country”;
  - (b) omit paragraph (b);
  - (c) omit paragraph (c);
  - (d) omit paragraph (d);
  - (e) omit paragraph (e);
  - (f) omit paragraph (f).
- (3) Omit article 3.

**Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 3) Order 2009**

**92.**—(1) The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 3) Order 2009<sup>(26)</sup> is amended as follows.

- (2) In article 3, omit “Croatia”.
- (3) Omit article 4.

---

<sup>(24)</sup> S.S.I. 2009/106 as amended by S.I. 2017/730.

<sup>(25)</sup> S.S.I. 2009/206.

<sup>(26)</sup> S.S.I. 2009/441 as amended by S.I. 2017/730.

### **Amendment of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2010**

93. In the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2010(27), omit article 5.

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

94. The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2011(28) is revoked.

### **Revocation of the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 2) Order 2011**

95. The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 2) Order 2011(29) is revoked.

## CHAPTER 7

### Saving provisions relating to the amendment of the Crime (International Co-operation) Act 2003 and subordinate legislation

#### **Freezing orders**

96.—(1) Despite regulation 87(5) (amendment of the 2003 Act), section 12 of the 2003 Act (variation or revocation of freezing orders) continues to have effect in relation to a domestic freezing order made under section 10 of that Act (domestic freezing orders) and forwarded by the Secretary of State or the Lord Advocate under section 11 of that Act (sending freezing orders) before commencement day, but as if the words “vary or” in subsection (1) of section 12 were omitted.

(2) Despite regulations 87(8)(b) to (10), the provisions of the 2003 Act mentioned in paragraph (3) continue to have effect in relation to an overseas freezing order (within the meaning of section 20 of the 2003 Act (overseas freezing orders) received by the Secretary of State or Lord Advocate before commencement day.

(3) Those provisions are—

- (a) sections 21 to 25;
- (b) section 26 without the amendments made by regulation 87(9);
- (c) section 28 without the amendments made by regulation 87(10).

(4) A provision mentioned in paragraph (3) has effect by virtue of paragraph (2) as if the country from which the overseas freezing order was received continued to be a participating country within the meaning of the 2003 Act.

#### **Requests for information about financial accounts and transactions**

97.—(1) Despite regulation 87(11) (amendment of the 2003 Act), sections 32 to 34 (customer information (England and Wales and Northern Ireland) and offences) and 42 (offence of disclosure) of the 2003 Act continue to have effect in relation to a request for customer information received by the Secretary of State under section 32 of that Act before commencement day.

---

(27) [S.I. 2010/36](#) as amended by [S.I. 2017/730](#).

(28) [S.S.I. 2011/7](#).

(29) [S.I. 2011/229](#).

(2) Despite regulation 87(11), sections 37 to 39 (customer information (Scotland) and offences) and 42 (offence of disclosure) of the 2003 Act continue to have effect in relation to a request for customer information received by the Lord Advocate under section 37 of that Act before commencement day.

(3) Despite regulation 87(11), sections 35 (account information: England and Wales and Northern Ireland), 36 (account monitoring orders: England and Wales and Northern Ireland) and 42 (offence of disclosure) of the 2003 Act continue to have effect in relation to a request for account information received by the Secretary of State under section 35 of that Act before commencement day.

(4) Despite regulation 87(11), sections 40, 41 (account monitoring orders: Scotland) and 42 (offence of disclosure) of the 2003 Act continue to have effect in relation to a request for account information received by the Lord Advocate under section 40 of that Act before commencement day.

(5) A provision mentioned in this regulation has effect by virtue of this regulation as if the country from which the request was received continued to be a participating country within the meaning of the 2003 Act.

### **Certain mutual legal assistance requests from Iceland**

**98.**—(1) Paragraph (2) applies where, before commencement day, by virtue of an agreement with the competent authority of Iceland—

- (a) a person has been transferred to that country from the United Kingdom pursuant to a warrant issued under section 47 of the 2003 Act (transfer of UK prisoner to assist investigation abroad)(**30**), or
- (b) a person has been transferred from that country to the United Kingdom pursuant to a warrant issued under section 48 of the 2003 Act (transfer of EU etc prisoner to assist UK investigation)(**31**).

(2) The provisions of the 2003 Act mentioned in paragraph (1) continue to have effect in relation to the person as if Iceland continued to be a participating country within the meaning of the 2003 Act.

(3) Paragraph (4) applies where, before commencement day, a request under section 31 of the 2003 Act (hearing witnesses in the UK by telephone) is received from an authority in Iceland.

(4) Section 31 of, and Part 2 of Schedule 2 to, the 2003 Act (evidence given by telephone link) continue to have effect in relation to the request as if Iceland continued to be a participating country within the meaning of the 2003 Act.

## **CHAPTER 8**

### **Other retained EU law relating to mutual legal assistance in criminal matters and certain aspects of police cooperation**

#### **Provisions of the 1990 Schengen Convention relating to police cooperation and mutual legal assistance in criminal matters**

**99.** The following decisions are revoked but only so far as they relate to Articles 39, 46 to 49 and 51 of the 1990 Schengen Convention—

- (a) Council [Decision 2000/365/EC](#) of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis;

---

(30) Section 47 of the Crime (International Co-operation) Act 2003 (c. 32) was amended by paragraph 237 of Schedule 16 to the Armed Forces Act 2006 (c. 52).

(31) Section 48 of the Crime (International Co-operation) Act 2003 was amended by paragraph 52 of Part 2 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4).

- (b) Council [Decision 2004/926/EC](#) of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland;
- (c) Council [Decision 2014/857/EU](#) of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen acquis which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions [2000/365/EC](#) and [2004/926/EC](#).

### **Third Pillar Conventions**

**100.**—(1) The following conventions established by the Council of the European Union under former Article 34 of the Treaty on European Union are revoked, to the extent that they have been saved by the Withdrawal Act—

- (a) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Council Act of 29 May 2000);
- (b) the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Council Act of 16 October 2001).

(2) Reference in this regulation to former Article 34 of the Treaty on European Union are references to that Article as it had effect at any time before the coming into force of the Treaty of Lisbon.

### **Consequential amendment of the Investigatory Powers (Consequential Amendments etc.) Regulations 2018**

**101.** Regulation 5 of the Investigatory Powers (Consequential Amendments etc.) Regulations 2018 (designation of a relevant international agreement)(**32**) is omitted.

### **Saving provision: requests for the interception of telecommunications under the 2000 MLA Convention**

**102.** Regulation 101 (consequential amendment of the Investigatory Powers (Consequential Amendments etc.) Regulations 2018) does not apply in relation to a request made under Article 18 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Council Act of 29 May 2000) (requests for interception of telecommunications) received by the Secretary of State before commencement day.