
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 18

Mutual Legal Assistance in Criminal Matters

CHAPTER 4

Saving provisions relating to European investigation orders

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.