

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: Crime (International Co-operation) Act 2003, SCHEDULE 1 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 15

#### PROCEEDINGS OF A NOMINATED COURT UNDER SECTION 15

##### *Securing attendance of witnesses*

- 1 The court has the like powers for securing the attendance of a witness as it has for the purposes of other proceedings before the court.

##### **Commencement Information**

**I1** Sch. 1 para. 1 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 2 In Scotland the court has power to issue a warrant to officers of law to cite witnesses, and section 156 of the Criminal Procedure (Scotland) Act 1995 (c. 46) applies in relation to a witness so cited.

##### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 26.4.2004 by S.I. 2004/786, art. 3

##### *Power to administer oaths*

- 3 The court may take evidence on oath.

##### **Commencement Information**

**I3** Sch. 1 para. 3 in force at 26.4.2004 by S.I. 2004/786, art. 3

##### *Proceedings*

- 4 Rules of court under section 49 may, in particular, make provision in respect of the persons entitled to appear or take part in the proceedings and for excluding the public from the proceedings.

##### **Commencement Information**

**I4** Sch. 1 para. 4 in force at 26.4.2004 by S.I. 2004/786, art. 3

##### *Privilege of witnesses*

- 5 (1) A person cannot be compelled to give any evidence which he could not be compelled to give—

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- (a) in criminal proceedings in the part of the United Kingdom in which the nominated court exercises jurisdiction, or
  - (b) subject to sub-paragraph (2), in criminal proceedings in the country from which the request for the evidence has come.
- (2) Sub-paragraph (1)(b) does not apply unless the claim of the person questioned to be exempt from giving the evidence is conceded by the court or authority which made the request.
- (3) Where the person's claim is not conceded, he may be required to give the evidence to which the claim relates (subject to the other provisions of this paragraph); but the evidence may not be forwarded to the court or authority which requested it if a court in the country in question, on the matter being referred to it, upholds the claim.
- (4) A person cannot be compelled to give any evidence if his doing so would be prejudicial to the security of the United Kingdom.
- (5) A certificate signed by or on behalf of the Secretary of State or, where the court is in Scotland, the Lord Advocate to the effect that it would be so prejudicial for that person to do so is conclusive evidence of that fact.
- (6) A person cannot be compelled to give any evidence in his capacity as an officer or servant of the Crown.
- (7) Sub-paragraphs (4) and (6) are without prejudice to the generality of sub-paragraph (1).

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 26.4.2004 by [S.I. 2004/786, art. 3](#)

*Forwarding evidence*

- 6 (1) The evidence received by the court is to be given to the court or authority that made the request or to the territorial authority for forwarding to the court or authority that made the request.
- (2) So far as may be necessary in order to comply with the request—
- (a) where the evidence consists of a document, the original or a copy is to be provided,
  - (b) where it consists of any other article, the article itself, or a description, photograph or other representation of it, is to be provided.

**Modifications etc. (not altering text)**

**C1** Sch. 1 para. 6 functions of Secretary of State made exercisable by the Commissioners (E.W.N.I.) (23.3.2005) by [Crime \(International Co-operation\) Act 2003 \(Exercise of Functions\) Order 2005 \(S.I. 2005/425\), arts. 1\(1\), 3, 8](#)

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 26.4.2004 by [S.I. 2004/786, art. 3](#)

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### *Supplementary*

- 7 The Bankers' Books Evidence Act 1879 (c. 11) applies to the proceedings as it applies to other proceedings before the court.

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**Commencement Information**

**I7** Sch. 1 para. 7 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 8 No order for costs may be made.

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**Commencement Information**

**I8** Sch. 1 para. 8 in force at 26.4.2004 by S.I. 2004/786, art. 3

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