

SCHEDULES

SCHEDULE 3

Section 9

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

Introductory

- 1 In this Schedule “the 2003 Act” means the Crime (International Co-operation) Act 2003.

Application of the 2003 Act to member States

- 2 (1) The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742) are amended as follows.
- (2) In regulation 87 (which amends the 2003 Act)—
- (a) omit paragraphs (2) and (4) to (11);
 - (b) in paragraph (13)(a), omit paragraphs (ii) to (iv).
- (3) In consequence of the provision made by sub-paragraph (2)—
- (a) in regulation 79, omit paragraph (2);
 - (b) in regulation 89, omit paragraph (2)(b);
 - (c) in regulation 91(2), omit sub-paragraphs (b) to (f);
 - (d) omit regulation 96.
- (4) In regulation 88(2), in the inserted article 3, omit the words from “for the purposes of” to the end.
- (5) In regulation 90(2), in the inserted article 2, omit the words from “for the purposes of” to the end.
- (6) In regulation 97—
- (a) in paragraph (1)—
 - (i) for “regulation 87(11) (amendment of the 2003 Act)” substitute “regulations 89, 91, 94 and 95”,
 - (ii) after “received” insert “from a relevant country”, and
 - (iii) at the end insert “as if the relevant country continued to be a participating country within the meaning of the 2003 Act.”;
 - (b) in paragraphs (2) to (4)—
 - (i) for “regulation 87(11)” substitute “regulations 89, 91, 94 and 95”,
 - (ii) after “received” insert “from a relevant country”, and
 - (iii) at the end insert “as if the relevant country continued to be a participating country within the meaning of the 2003 Act.”;
 - (c) for paragraph (5) substitute—

Status: This is the original version (as it was originally enacted).

“(5) In this regulation “relevant country” means Iceland, Switzerland or Japan.”

Customer information orders in relation to safe deposit boxes

3 (1) In Part 1 of the 2003 Act, Chapter 4 (information about banking transactions) is amended as follows.

(2) In section 32 (customer information: England and Wales and Northern Ireland), for subsection (6) substitute—

“(6) Section 364 of the Proceeds of Crime Act 2002 (meaning of customer information) has effect for the purposes of this section as if—

- (a) this section were included in Chapter 2 of Part 8 of that Act,
- (b) subsections (2)(f) and (3)(i) of that section were omitted, and
- (c) the amendments of that section made in relation to Northern Ireland by Article 14 of the Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005/1965 (N.I. 15)) (which provide that “customer information” includes information in relation to safe deposit boxes) also extended to England and Wales.”

(3) In section 37 (customer information: Scotland), for subsection (6) substitute—

“(6) Section 398 of the Proceeds of Crime Act 2002 (meaning of customer information) has effect for the purposes of this section as if—

- (a) this section were included in Chapter 3 of Part 8 of that Act;
- (b) in subsection (1), after “accounts” there were inserted “or any safe deposit box”;
- (c) in subsection (2)—
 - (i) in paragraph (a), after “numbers” there were inserted “or the number of any safe deposit box”;
 - (ii) in paragraph (e), at the beginning there were inserted “in the case of an account or accounts,”;
 - (iii) after that paragraph there were inserted—
 - “(ee) in the case of any safe deposit box, the date on which the box was made available to him and if the box has ceased to be available to him the date on which it so ceased;”;
 - (iv) paragraph (f) were omitted;
- (d) in subsection (3)—
 - (i) in paragraph (a), after “numbers” there were inserted “or the number of any safe deposit box”;
 - (ii) in paragraph (h), at the beginning there were inserted “in the case of an account or accounts,”;
 - (iii) after that paragraph there were inserted—
 - “(hh) in the case of any safe deposit box, the date on which the box was made available to it and if the box has ceased to be available to it the date on which it so ceased;”;
 - (iv) paragraph (i) were omitted;

Status: This is the original version (as it was originally enacted).

- (e) after subsection (5) there were inserted—
- “(6) A “safe deposit box” includes any procedure under which a financial institution provides a facility to hold items for safe keeping on behalf of another person.””
- (4) The amendments made by this paragraph apply in relation to requests received by the Secretary of State or (as the case may be) the Lord Advocate after the coming into force of this paragraph.
- 4 (1) In Part 2 of the Proceeds of Crime Act 2002 (External Investigations) Order 2013 (S.I. 2013/2605), article 57 (meaning of customer information) is amended as follows.
- (2) In paragraph (1), after “accounts” insert “or any safe deposit box”.
- (3) In paragraph (2)—
- (a) in sub-paragraph (a), after “numbers” insert “or the number of any safe deposit box”;
- (b) in sub-paragraph (e), at the beginning insert “in the case of an account or accounts,”;
- (c) after that sub-paragraph insert—
- “(ea) in the case of any safe deposit box, the date on which the box was made available to them and if the box has ceased to be available to them the date on which it so ceased,”.
- (4) In paragraph (3)—
- (a) in sub-paragraph (a), after “numbers” insert “or the number of any safe deposit box”;
- (b) in sub-paragraph (h), at the beginning insert “in the case of an account or accounts,”;
- (c) after that sub-paragraph insert—
- “(ha) in the case of any safe deposit box, the date on which the box was made available to it and if the box has ceased to be available to it the date on which it so ceased,”.
- (5) After paragraph (4) insert—
- “(5) A “safe deposit box” includes any procedure under which a financial institution provides a facility to hold items for safe keeping on behalf of another person.”
- (6) The amendments made by this paragraph apply in relation to requests received by the Secretary of State after the coming into force of this paragraph.
- 5 (1) In Part 4 of the Proceeds of Crime Act 2002 (External Investigations) (Scotland) Order 2015 (S.I. 2015/206) (customer information orders), article 23 (meaning of customer information) is amended as follows.
- (2) In paragraph (1), after “accounts” insert “or any safe deposit box”.
- (3) In paragraph (2)—
- (a) in sub-paragraph (a), after “numbers” insert “or the number of any safe deposit box”;

Status: This is the original version (as it was originally enacted).

- (b) in sub-paragraph (e), at the beginning insert “in the case of an account or accounts,”;
 - (c) after that sub-paragraph insert—
 - “(ea) in the case of any safe deposit box, the date on which the box was made available to them and if the box has ceased to be available to them the date on which it so ceased;”.
- (4) In paragraph (3)—
- (a) in sub-paragraph (a), after “numbers” insert “or the number of any safe deposit box”;
 - (b) in sub-paragraph (h), at the beginning insert “in the case of an account or accounts,”;
 - (c) after that sub-paragraph insert—
 - “(ha) in the case of any safe deposit box, the date on which the box was made available to it and if the box has ceased to be available to it the date on which it so ceased;”.
- (5) After paragraph (4) insert—
- “(5) A “safe deposit box” includes any procedure under which a financial institution provides a facility to hold items for safe keeping on behalf of another person.”
- (6) The amendments made by this paragraph apply in relation to requests received by the Secretary of State after the coming into force of this paragraph.

Miscellaneous

- 6 In section 42 of the 2003 Act (information about banking transactions: offence of disclosure), in subsection (1)(b), omit the words from “in reliance on” to the end.
- 7 In section 51(1) of the 2003 Act (general interpretation), in the definition of “administrative proceedings”, for “the Mutual Legal Assistance Convention” substitute “the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959”.