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STATUTORY INSTRUMENTS

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**2019 No. 742**

**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 CJDP 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 CJDP Regulations)).

(2) Regulation 53 of the CJDP Regulations continues to apply for the purposes of any provision of Part 5 of the CJDP Regulations <sup>M1</sup> (exchange of information and intelligence between law enforcement authorities) which is continued by this Part.

**Commencement Information**

**I1** Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

**M1** Part 5 was amended by [S.I. 2014/3191](#).

**Revocation of Part 5 of the CJDP Regulations**

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

**Commencement Information**

**I2** Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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 CJDP 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 CJDP Regulations continue to have effect in relation to the request, subject to the modification in paragraph (3) [<sup>F1</sup>(and see Article 63(1)(d) and Title VII of Part 3 of the withdrawal agreement, Article 52(b) and Title IV of Part 3 of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act)]—
- (a) regulation 54;
  - [<sup>F2</sup>(aa) regulation 55 (time limits);]
  - (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—
- (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.

#### Textual Amendments

- F1** Words in reg. 44(2) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **15(a)**
- F2** Reg. 44(2)(aa) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **15(b)**

#### Commencement Information

- I3** Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### **Saving provision – information and intelligence supplied before commencement day [<sup>F3</sup>or under Article 63(1)(d) of the withdrawal agreement or Article 52(b) of the EEA EFTA separation agreement]**

**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 [<sup>F4</sup>, or supplied on or after commencement day in accordance with Article 63(1)(d) of the withdrawal agreement or Article 52(b) of the EEA EFTA separation agreement].

(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) [<sup>F5</sup>(and see Article 63(1)(d) and Title VII of Part 3 of the withdrawal agreement, Article 52(b) and Title IV of Part 3 of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act)]—

- (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.

#### Textual Amendments

- F3** Words in reg. 45 heading inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **16(a)**
- F4** Words in reg. 45(1) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **16(b)**
- F5** Words in reg. 45(2) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **16(c)**

#### Commencement Information

- I4** Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### 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 <sup>F6</sup>... in relation to the use of the information or intelligence.

#### Textual Amendments

- F6** Words in reg. 46(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **17**

#### Commencement Information

- I5** Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### 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 [<sup>F7</sup>or on or after commencement day in accordance with Article 62(2) of the withdrawal agreement or Article 50(2) of the EEA EFTA separation agreement].

(2) Regulation 61 of the CJDP Regulations continues to have effect in relation to the information [F8 (and see Article 62(2) and Title VII of Part 3 of the withdrawal agreement, Article 50(2) and Title IV of Part 3 of the EEA EFTA separation agreement, and sections 7A to 7C of the Withdrawal Act)].

(3) The provision referred to in paragraph (2) is to be construed as if the United Kingdom continued to be a member State.

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**Textual Amendments**

- F7** Words in reg. 47(1) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **18(a)**
- F8** Words in reg. 47(2) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **18(b)**

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**Commencement Information**

- I6** Reg. 47 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, CHAPTER 1.