

STATUTORY INSTRUMENTS

2019 No. 742

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

PART 18

Mutual Legal Assistance in Criminal Matters

CHAPTER 7

Saving provisions relating to the amendment of the Crime (International Co-operation) Act 2003 and [^{F1}related] legislation

Textual Amendments

- F1** Word in Pt. 18 Ch. 7 heading substituted (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, **20(1)**

PROSPECTIVE

Freezing orders

^{F2}96.

Textual Amendments

- F2** Reg. 96 omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(6)(c), **Sch. 3 para. 2(3)(d)**

Requests for information about financial accounts and transactions

97.—(1) Despite [^{F3}regulations 89, 91, 94 and 95], 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 [^{F4}from a relevant country] by the Secretary of State under section 32 of that Act before commencement day [^{F5}as if the relevant country continued to be a participating country within the meaning of the 2003 Act].

(2) Despite [^{F6}regulations 89, 91, 94 and 95], 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 [^{F7}from a relevant country] by the Lord Advocate under

section 37 of that Act before commencement day [^{F8}as if the relevant country continued to be a participating country within the meaning of the 2003 Act.].

(3) Despite [^{F6}regulations 89, 91, 94 and 95], 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 [^{F7}from a relevant country] by the Secretary of State under section 35 of that Act before commencement day [^{F8}as if the relevant country continued to be a participating country within the meaning of the 2003 Act.].

(4) Despite [^{F6}regulations 89, 91, 94 and 95], 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 [^{F7}from a relevant country] by the Lord Advocate under section 40 of that Act before commencement day [^{F8}as if the relevant country continued to be a participating country within the meaning of the 2003 Act.].

[^{F9}(5) In this regulation “relevant country” means Iceland, Switzerland or Japan.]

[^{F10}(6) See Article 62(1)(a) and Title VII of Part 3 of the withdrawal agreement, Article 50(1) and Title IV of Part 3 of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act.]

Textual Amendments

- F3** Words in reg. 97(1) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 3 para. 2(6)(a)(i)**; S.I. 2020/1662, reg. 2(dd)
- F4** Words in reg. 97(1) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 3 para. 2(6)(a)(ii)**; S.I. 2020/1662, reg. 2(dd)
- F5** Words in reg. 97(1) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 3 para. 2(6)(a)(iii)**; S.I. 2020/1662, reg. 2(dd)
- F6** Words in reg. 97(2)-(4) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 3 para. 2(6)(b)(i)**; S.I. 2020/1662, reg. 2(dd)
- F7** Words in reg. 97(2)-(4) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 3 para. 2(6)(b)(ii)**; S.I. 2020/1662, reg. 2(dd)
- F8** Words in reg. 97(2)-(4) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 3 para. 2(6)(b)(iii)**; S.I. 2020/1662, reg. 2(dd)
- F9** Reg. 97(5) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 3 para. 2(6)(c)**; S.I. 2020/1662, reg. 2(dd)
- F10** Reg. 97(6) 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, **21**

Commencement Information

- I1** Reg. 97 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see reg. 1

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)^{MI}, 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)^{M2}.

(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.

[^{F11}(5) See Article 50(1) of the EEA EFTA separation agreement and sections 7B and 7C of the Withdrawal Act.]

Textual Amendments

F11 Reg. 98(5) 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, 22

Commencement Information

I2 Reg. 98 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 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 \(c. 52\)](#).

M2 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 \(c. 4\)](#).

[^{F12}Transitional provision - requests received before commencement day

98A.—(1) Regulation 87(2) (amendment of the 2003 Act) does not apply in respect of any request received by the Secretary of State or by the Lord Advocate before commencement day for a process or other document to which section 1 of the 2003 Act (service of overseas process) applied to be served on a person in the United Kingdom.

(2) Paragraphs (6), (7) and (13) of regulation 87 do not apply in respect of any request for assistance in obtaining evidence in a part of the United Kingdom that is received before commencement day by the territorial authority for that part of the United Kingdom.

(3) See Article 62(1)(a) and Title VII of Part 3 of the withdrawal agreement, Article 50(1) and (3) and Title IV of Part 3 of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act.]

Textual Amendments

F12 Reg. 98A 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, 23

Commencement Information

I3 Reg. 98A in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Status:

This version of this chapter contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, CHAPTER 7.