
STATUTORY INSTRUMENTS

2020 No. 1408

The Law Enforcement and Security (Separation
Issues etc.) (EU Exit) Regulations 2020

PART 3

Amendments of the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019

Chapter 3

European Supervision Orders

Transitional and saving provision

48. After regulation 16 insert—

“Transitional and saving provision for England and Wales: decisions on supervision measures received before IP completion day

16A.—(1) The following provisions of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014(1) (“the 2014 Regulations”) continue to apply, as if they had not been revoked by regulation 16, to relevant decisions on supervision measures as defined in paragraph (2) below (and see Article 62(1)(i) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018)—

- (a) regulation 75(1) and (3);
- (b) regulations 76 and 77;
- (c) regulations 79 to 83;
- (d) regulation 84(2) to (4);
- (e) regulations 85 to 93;
- (f) regulation 94(2) and (3);
- (g) Schedule 6.

(2) A relevant decision on supervision measures is one received before IP completion day by—

- (a) the central authority or the competent authority of the executing State under regulation 77(2) of the 2014 Regulations (requests to other member States for monitoring supervision measures), or any other authority in the executing State with no competence to recognise a decision on supervision measures but which forwards the decision to the competent authority; or
- (b) the central authority of England and Wales under regulation 85(2) of the 2014 Regulations (requests from other member states for monitoring supervision measure), or any other authority in England and Wales with no competence to

recognise a decision on supervision measures but which forwards the decision to the central authority.

- (3) For the purposes of this regulation—
- (a) “the central authority or competent authority of the executing State” has the same meaning as in regulations 76 and 77(9) of the 2014 Regulations (interpretation);
 - (b) “the central authority of England and Wales” has the same meaning as in regulation 76 of the 2014 Regulations;
 - (c) the provisions of the 2014 Regulations referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.

Transitional and saving provision for Northern Ireland: decisions on supervision measures received before IP completion day

16B.—(1) The following provisions of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (“the 2014 Regulations”) continue to apply, as if they had not been revoked by regulation 16, to relevant decisions on supervision measures as defined in paragraph (2) below (and see Article 62(1)(i) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018)—

- (a) regulation 75(2) and (3);
- (b) regulations 95 and 96;
- (c) regulations 98 to 102;
- (d) regulation 103(2) and (3);
- (e) regulations 104 to 112;
- (f) regulation 113(2) and (3);
- (g) Schedule 6.

(2) A relevant decision on supervision measures is one received before IP completion day by—

- (a) the central authority or the competent authority of the executing State under regulation 96(2) of the 2014 Regulations (requests to other member States for monitoring supervision measures), or any other authority in the executing State with no competence to recognise a decision on supervision measures but which forwards the decision to the competent authority; or
 - (b) the central authority of Northern Ireland under regulation 104(2) of the 2014 Regulations (requests from other member States for monitoring supervision measures), or any other authority in Northern Ireland with no competence to recognise a decision on supervision measures but which forwards the decision to the central authority for execution.
- (3) For the purposes of this regulation—
- (a) “the central authority or competent authority of the executing State” has the same meaning as in regulations 95 and 96(9) of the 2014 Regulations (interpretation);
 - (b) “the central authority of Northern Ireland” has the same meaning as in regulation 95 of the 2014 Regulations
 - (c) the provisions of the 2014 Regulations referred to in paragraph (1) are to be read as if the term “Member State” included the United Kingdom.”.