
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 386

The Criminal Justice and Data Protection (Protocol No. 36) Amendment (Scotland) Regulations 2020

Amendment of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014

2.—(1) Schedule 1 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014⁽¹⁾ is amended as follows.

(2) In paragraph 1 (Interpretation):

(a) after the definition of “domestic restraint order” insert:

““listed 2018 Regulation offence” means an offence described in Article 3(1) of the 2018 Regulation;”,

(b) for the definition of “specified information” substitute:

““specified information” means—

(a) in relation to a certificate under paragraph 2, any information required to be given by the form of certificate attached as Annex I to the 2018 Regulation;

(b) in relation to a certificate under paragraph 7, any information required to be given by the form of certificate attached as Annex II to the 2018 Regulation;”,

(c) after the substituted definition of “specified information” insert:

““the 2018 Regulation” means Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders;”.

(3) In paragraph 2(3) (Domestic restraint orders: certification) for “the 2003 Framework decision” substitute “Chapter II of the 2018 Regulation”.

(4) In paragraph 4(9) (Sending overseas restraint orders to the court), for “a listed 2003 Framework Decision offence” substitute “a listed 2018 Regulation offence”.

(5) In paragraph 7(3) (Domestic confiscation orders: certification) for “the 2006 Framework Decision” substitute “Chapter III of the 2018 Regulation”.

(6) In paragraph 9(9) (Sending overseas confiscation orders to the court), for “a listed 2006 Framework Decision offence” substitute “a listed 2018 Regulation offence”.