
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in order to address failures of retained EU law to operate effectively arising from the withdrawal of the United Kingdom from the European Union.

Sections 10 to 12 of the Crime (International Co-operation) Act 2003 (“the Act”) provide for a judicial authority in the United Kingdom to make a domestic freezing order protecting evidence in a participating country pending its transfer to the United Kingdom. Sections 20 to 25 of the Act make provision regarding overseas freezing orders made by a court or authority in a participating country to protect evidence in the United Kingdom pending its transfer to the participating country.

Those provisions of the Act apply to offences defined by section 28(5) by reference to the Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ No. L 196, 02.08.2003, P45-55) (“the Framework Decision”). The Framework Decision is also referred to in the Act in relation to what information must be contained within the certificates required by sections 11(4) and 20(5), namely “specified information” as defined by section 28(7).

Regulation 3 amends section 28(1) of the Act, which provides for the interpretation of chapter 2 of the Act, as it applies in Scotland, by:

- adding definitions of “executing State”, “freezing order” and “issuing State”, to aid the interpretation of new schedules 1A and B of the Act, and
- removing the reference to the Framework Decision.

Regulation 4 inserts two schedules into the Act. Schedule 1A replicates the list of offences and schedule 1B contains the specified information, both found in the Framework Decision.