
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 24

Miscellaneous

CHAPTER 1

Miscellaneous amendments to police legislation

SECTION 1

Amendment of primary legislation

Amendment of the Local Government (Miscellaneous Provisions) Act 1982

124. In Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(1) (control of sex establishments), in paragraph 12(1)(c) and (d)(2), after “in” insert “the United Kingdom or”.

Amendment of the Licensing Act 2003

125. In section 120 of the Licensing Act 2003(3) (determination of application for grant), in subsection (8)(c) omit “(other than the United Kingdom)”.

Amendment of the Anti-social Behaviour, Crime and Policing Act 2014

126.—(1) Schedule 6A to the Anti-social Behaviour, Crime and Policing Act 2014(4) (anonymity of victims of forced marriage) is amended as follows.

(2) Omit paragraph 4 (domestic service providers: extension of liability).

(3) In paragraph 9 (interpretation)—

(a) in sub-paragraph (1)—

(i) omit the definition of “domestic service provider”;

(ii) in the definition of “non-UK service provider” omit “other than the United Kingdom”;

(b) in sub-paragraph (3)—

(i) in the words before paragraph (a), for “definitions of “domestic service provider” and “non-UK service provider”” substitute “definition of “non-UK service provider””;

(1) 1982 c. 30.

(2) Paragraph 12(1)(c) and (d) was amended by S.I. 2009/2999.

(3) 2003 c. 17. Section 120 was amended by paragraph 15(2) to (9) of Part 3 of Schedule 4 to the Immigration Act 2016 (c. 19).

(4) 2014 c. 12. Schedule 6A was inserted by section 173(2) of the Policing and Crime Act 2017 (c. 3).

- (ii) in paragraph (a), for “in a particular part of the United Kingdom, or in a particular EEA state,” substitute “in a particular EEA state”;
- (iii) in sub-paragraph (i) of paragraph (a), for “that part of the United Kingdom, or that EEA state,” substitute “that EEA state”.

Amendment of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

127.—(1) Schedule 3A to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015⁽⁵⁾ (anonymity of victims of forced marriage) is amended as follows.

- (2) Omit paragraph 4 (special rules for providers of information society services).
- (3) In paragraph 9 (interpretation)—
 - (a) in sub-paragraph (1)—
 - (i) omit the definition of “domestic service provider”;
 - (ii) in the definition of “non-UK service provider” omit “other than the United Kingdom”;
 - (b) in sub-paragraph (3)—
 - (i) in the words before paragraph (a), for “definitions of “domestic service provider” and “non-UK service provider”” substitute “definition of “non-UK service provider””;
 - (ii) in paragraph (a), for “in a particular part of the United Kingdom, or in a particular EEA state,” substitute “in a particular EEA state”;
 - (iii) in sub-paragraph (i) of paragraph (a), for “that part of the United Kingdom, or that EEA state,” substitute “that EEA state”.

Amendment of the Policing and Crime Act 2017

128. In the Policing and Crime Act 2017⁽⁶⁾, omit section 144 (powers to create offences under section 2(2) ECA 1972: maximum term of imprisonment).

SECTION 2

Amendment of secondary legislation

Amendment of the Police Pensions (Additional Voluntary Contributions) Regulations 1991

129.—(1) The Police Pensions (Additional Voluntary Contributions) Regulations 1991⁽⁷⁾ are amended as follows.

- (2) In regulation 2(3)(interpretation), in the definition of “insurance company”⁽⁸⁾—
 - (a) at the end of paragraph (a) omit “or”;
 - (b) omit paragraph (b).

⁽⁵⁾ 2015 c. 2 (N.I.). Schedule 3A was inserted by section 174(2) of the Policing and Crime Act 2017 (c. 3).

⁽⁶⁾ 2017 c. 3.

⁽⁷⁾ S.I. 1991/1304.

⁽⁸⁾ The definition of “insurance company” was inserted in relation to England and Wales by S.I. 2003/27 and in relation to Scotland by SSI 2003/406.

Amendment of the Electronic Commerce Directive (Trafficking People for Exploitation) Regulations 2013

130.—(1) The Electronic Commerce Directive (Trafficking People for Exploitation) Regulations 2013⁽⁹⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) omit the definition of “UK national”;

(b) in paragraph (2)—

(i) in the words before paragraph (a), for “in England and Wales or in an EEA state other than the United Kingdom” substitute “in an EEA state”;

(ii) in paragraph (a), for “in England and Wales, or in a particular EEA state other than the United Kingdom,” substitute “in a particular EEA state”;

(iii) in sub-paragraph (i) of paragraph (a), for “in England Wales, or that EEA state,” substitute “in that EEA state”.

(3) Omit regulation 3 (internal market: England and Wales service providers).

(4) In regulation 4(1) (internal market: non-UK service providers), omit “other than the United Kingdom”.

(5) In regulation 8 (review), omit paragraph (2).

Amendment of the Police Pensions Regulations 2015

131.—(1) The Police Pensions Regulations 2015⁽¹⁰⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “duly qualified medical practitioner”, omit “or the equivalent EEA qualification”.

CHAPTER 2

Miscellaneous amendments to investigatory powers legislation

Amendment of the Investigatory Powers Act 2016

132.—(1) The Investigatory Powers Act 2016⁽¹¹⁾ is amended as follows.

(2) In section 19 (power of Secretary of State to issue warrants), omit subsection (5).

(3) In section 102 (power to issue warrants to intelligence services: the Secretary of State), omit subsection (9).

Amendment of the Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-keeping Purposes) Regulations 2018

133.—(1) The Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-keeping Purposes) Regulations 2018⁽¹²⁾ are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “regulatory or self-regulatory practices or procedures”, in paragraph (a)—

(a) in sub-paragraph (i), for the words from “provision” to “Area” substitute “enactment”;

⁽⁹⁾ S.I. 2013/817 as amended by S.I. 2015/1472.

⁽¹⁰⁾ S.I. 2015/445.

⁽¹¹⁾ 2016 c. 25.

⁽¹²⁾ S.I. 2018/356.

(b) in sub-paragraph (ii), for the words “a member” to “Area” substitute “the United Kingdom”.

(3) In regulation 4 (restrictions on the lawful interception of communications), omit paragraph (2).

CHAPTER 3

International agreements

Revocation of rights etc.

134.—(1) Subject to regulation 135 (saving provision), to the extent that any rights, powers, liabilities, obligations, restrictions, remedies and procedures—

- (a) continue by virtue of section 4(1) of the Withdrawal Act, and
- (b) are derived from one of the international agreements to which this regulation applies,

those rights, powers, liabilities, obligations, restrictions, remedies and procedures cease to be recognised and available in domestic law.

(2) This regulation applies to—

- (a) the Agreement concluded by the Council of the European Union, the Republic of Iceland and the Kingdom of Norway on the association of these two states to the implementation, to application and to the development of the *acquis de Schengen* – final Act⁽¹³⁾;
- (b) the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland, on the one hand, and the Republic of Iceland and the Kingdom of Norway, on the other, in areas of the *Schengen acquis* which apply to these States⁽¹⁴⁾;
- (c) the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto⁽¹⁵⁾;
- (d) the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation’s association with the implementation, application and development of the *Schengen acquis*⁽¹⁶⁾;
- (e) the Agreement between the European Union and Iceland and Norway on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto⁽¹⁷⁾;
- (f) the Agreement between the European Union and Japan on mutual legal assistance in criminal matters⁽¹⁸⁾;
- (g) the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community

⁽¹³⁾ OJ L No 176, 10.07.1999, p.36.

⁽¹⁴⁾ OJ L No 15, 20.01.2000, p. 2.

⁽¹⁵⁾ OJ L No 26, 29.01.2004, p.3.

⁽¹⁶⁾ OJ L No 53, 27.02.2008, p. 52.

⁽¹⁷⁾ OJ L No 353, 31.12.2009, p.3.

⁽¹⁸⁾ OJ L No 39, 12.02.2010, p. 20.

and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis⁽¹⁹⁾.

Saving provision

- 135.**—(1) This regulation applies to the extent that—
- (a) a transitional or saving provision of these Regulations preserves a right, power, liability, obligation, restriction, remedy or procedure conferred or imposed by legislation which these Regulations revoke or amend, and
 - (b) a corresponding right, power, liability, obligation, restriction, remedy or procedure is derived from an instrument listed in regulation 134(2) and continues by virtue of section 4(1) of the Withdrawal Act.
- (2) To the extent that this regulation applies, regulation 134(1) does not.

CHAPTER 4

Atlas – cooperation between special intervention units

Introductory

- 136.** In this Chapter—
- (a) “the Atlas Council Decision” means Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations⁽²⁰⁾;
 - (b) the expressions which are defined in Article 2 of the Atlas Council Decision (interpretation) have the meanings given in that provision (disregarding for this purpose the revocation of that decision by regulation 2).

Revocation of the Atlas Council Decision

137. Subject to regulations 138 (transitional provisions – assistance provided to member States on or after commencement day) and 139 (transitional provisions – assistance provided to the United Kingdom after commencement day), the Atlas Council Decision is revoked.

Transitional provisions – assistance provided to member States after commencement day

- 138.**—(1) This regulation applies to a relevant case.
- (2) For the purposes of this regulation, a “relevant case” is one in which, before commencement day—
- (a) a member State made a request for assistance under Article 3(1) of the Atlas Council Decision (assistance to another member State) to the competent authority of the United Kingdom, and—
 - (b) either—
 - (i) the competent authority of the United Kingdom did not respond in relation to that request, or
 - (ii) the competent authority of the United Kingdom accepted the request for assistance or proposed a different kind of assistance, but some or all of the assistance has not been provided before commencement day.

⁽¹⁹⁾ OJ L No 160, 18.06.2011, p.3.

⁽²⁰⁾ “Atlas” is the name given to the network of special intervention units established in 2001 and formalised by the Atlas Council Decision.

(3) The following provisions of the Atlas Council Decision continue to have effect in relation to a relevant case (in so far as relevant in the circumstances of the case), subject to the modifications set out in paragraph (4)—

- (a) Article 2 (definitions), in so far as relevant to the provision referred to in sub-paragraph (b);
- (b) Article 3.

(4) The modifications are—

- (a) paragraph 1 of Article 3 is to be read as if—
 - (i) the first sentence were omitted;
 - (ii) for the words “such a request” there were substituted “a request made by a Member State under Article 3(1)”;
 - (iii) for the words “the requested Member State” there were substituted “the United Kingdom”;
- (b) paragraph 3 of Article 3 is to be read as if the words “be authorised to operate in a supporting capacity on the territory of the requesting Member State and” were omitted.

(5) The provisions referred to in paragraph (3) are to be construed (so far as necessary) as if the United Kingdom continued to be a member State.

Transitional provisions – assistance provided to the United Kingdom after commencement day

139.—(1) This regulation applies to a relevant case.

(2) For the purposes of this regulation, a “relevant case” is one in which—

- (a) the competent authority of the United Kingdom made a request for assistance under Article 3(1) of the Atlas Council Decision (assistance to another member State) before commencement day, and
- (b) the requested member State is willing to provide assistance of the kind referred to in Article 3(2) of the Atlas Council Decision in relation to that request on or after commencement day.

(3) The following provisions of the Atlas Council Decision continue to have effect in relation to a relevant case (in so far as relevant in the circumstances of the case), subject to the modifications set out in paragraph (4)—

- (a) Article 2 (definitions), in so far as relevant to the provisions referred to in sub-paragraphs (b) to (d);
- (b) Article 3(3);
- (c) Article 4 (civil and criminal liability);
- (d) Article 6 (costs).

(4) The modifications are—

- (a) paragraph 3 of Article 3 is to be read as if—
 - (i) in the words before sub-paragraph (a), for the words “the requesting Member State” (in each place) there were substituted “the United Kingdom”;
 - (ii) in sub-paragraph (a)—
 - (aa) for the words “the requesting Member State”, in the first place it occurs, there were substituted “the competent authority of the United Kingdom”;
 - (bb) for the words “the requesting Member State”, in the second place it occurs, there were substituted “the United Kingdom”;

- (b) Article 4 is to be read as if—
 - (i) for the words “another Member State” there were substituted “the United Kingdom”;
 - (ii) the words “under this Decision” were omitted;
- (c) Article 6 is to be read as if for the words “The requesting Member State” there were substituted “The United Kingdom”.
- (5) The provisions referred to in paragraph (3) are to be construed (so far as necessary) as if the United Kingdom continued to be a member State.