
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 4

Cross-border Surveillance

Revocation of Council Decisions relating to cross-border surveillance

8.—(1) The following Council Decisions are revoked but only so far as they relate to Articles 40, 42 and 43 of the 1990 Schengen Convention—

- (a) Council [Decision 2000/365/EC](#) of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis;
- (b) Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders;
- (c) Council [Decision 2004/926/EC](#) of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland.

(2) Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders is revoked.

Consequential amendment of the Regulation of Investigatory Powers Act 2000

9. In section 76A of the Regulation of Investigatory Powers Act 2000(1) (foreign surveillance operations)—

- (a) in each of subsections (3) and (10)—
 - (i) omit paragraph (a) and the “or” at the end of that paragraph;
 - (ii) in paragraph (b), omit “other”;
- (b) in subsection (11), omit the definition of “the Schengen Convention”.

Transitional provision – surveillance which is not completed before commencement day

10.—(1) Regulations 8 (revocation of Council Decisions relating to cross-border surveillance) and 9 (consequential amendment of the Regulation of Investigatory Powers Act 2000) do not apply

(1) [2000 c. 23](#). Section 76A was inserted by section 83 of the Crime (International Co-operation) Act 2003 ([c. 32](#)), and amended by paragraph 8 of Part 1 of Schedule 6 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 ([asp. 10](#)), by paragraph 26 of Schedule 12 to the Serious Crime Act 2007 ([c. 27](#)), by paragraph 98 of Part 2 of Schedule 8 to the Crime and Courts Act 2013 ([c. 22](#)) and by [S.I.2013/602](#).

to relevant surveillance by a relevant foreign police or customs officer which began but which is not completed before commencement day.

(2) In this Regulation—

“relevant foreign police or customs officer” means a police or customs officer who, in relation to a country or territory other than the United Kingdom, is an officer for the purposes of Article 40 of the 1990 Schengen Convention (police co-operation);

“relevant surveillance” means surveillance which is carried out lawfully in the United Kingdom by virtue of section 76A of the Regulation of Investigatory Powers Act 2000 (foreign surveillance operations).