
DRAFT STATUTORY INSTRUMENTS

2020 No.

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

PART 2

**Amendments of the Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019**

CHAPTER 1

Freezing Orders and Confiscation Orders

Transitional provisions relating to freezing orders concerning terrorist property

4. In regulation 6 (transitional provision in relation to amendment of Schedule 4 to the Terrorism Act 2000), after “has occurred” insert “(and see Articles 6 and 62(1)(c) and Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act and, in relation to the continued application of Framework Decision 2003/577/JHA in respect of certificates received by the United Kingdom before 19 December 2020, see Article 40(2) of 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(1))”.

Transitional provisions relating to freezing orders and confiscation orders concerning the proceeds of crime

5. In regulation 111 (transitional provisions in relation to amendment of the Criminal Justice and Data Protection Regulations 2014), after “has occurred” insert “(and see Articles 6 and 62(1)(c) and (e) and Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act and, in relation to the continued application of Framework Decisions 2003/577/JHA and 2006/783/JHA in respect of certificates received by the United Kingdom before 19 December 2020, see Article 40(2) of 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(2))”.

Revocation of Regulation (EU) 2018/1805

6. After regulation 113, insert—

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- (1) Article 62(1)(c) refers to Council Framework Decision 2003/577/JHA. Article 39 of 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 states that references to that Framework Decision shall be construed as references to that Regulation. By virtue of Article 6 of the withdrawal agreement, the reference to the Council Framework Decision in Article 62(1)(c) is to be construed accordingly.
- (2) Article 62(1)(c) and (e) refer to Council Framework Decisions 2003/577/JHA and 2006/783/JHA. Article 39 of 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 states that references to these Framework Decisions shall be construed as references to that Regulation. By virtue of Article 6 of the withdrawal agreement, the references to the Council Framework Decisions in Article 62(1)(c) and (e) are to be construed accordingly.

“Revocation of Regulation (EU) 2018/1805

113A. 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 is revoked (but see Article 62(1)(c) and (e) and Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act).”.