



Crime (International Co-operation) Act 2003

2003 CHAPTER 32

PART 1

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

CHAPTER 2

MUTUAL PROVISION OF EVIDENCE

Assisting overseas authorities to obtain evidence in the UK

13 Requests for assistance from overseas authorities

- (1) Where a request for assistance in obtaining evidence in a part of the United Kingdom is received by the territorial authority for that part, the authority may—
 - (a) if the conditions in section 14 are met, arrange for the evidence to be obtained under section 15, or
 - (b) direct that a search warrant be applied for under or by virtue of section 16 or 17 or, in relation to evidence in Scotland, 18.
- (2) The request for assistance may be made only by—
 - (a) a court exercising criminal jurisdiction, or a prosecuting authority, in a country outside the United Kingdom,
 - (b) any other authority in such a country which appears to the territorial authority to have the function of making such requests for assistance,
 - (c) any international authority mentioned in subsection (3).
- (3) The international authorities are—
 - (a) the International Criminal Police Organisation,

Status: Point in time view as at 14/07/2008.

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- (b) any other body or person competent to make a request of the kind to which this section applies under any provisions adopted under the Treaty on European Union.

Modifications etc. (not altering text)

- C1** S. 13 functions of Secretary of State made exercisable by the Commissioners (E.W.N.I.) (23.3.2005) by [Crime \(International Co-operation\) Act 2003 \(Exercise of Functions\) Order 2005 \(S.I. 2005/425\)](#), arts. 1(1), [arts. 3-5](#)

Commencement Information

- II** S. 13 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

14 Powers to arrange for evidence to be obtained

- (1) The territorial authority may arrange for evidence to be obtained under section 15 if the request for assistance in obtaining the evidence is made in connection with—
- criminal proceedings or a criminal investigation, being carried on outside the United Kingdom,
 - administrative proceedings, or an investigation into an act punishable in such proceedings, being carried on there,
 - clemency proceedings, or proceedings on an appeal before a court against a decision in administrative proceedings, being carried on, or intended to be carried on, there.
- (2) In a case within subsection (1)(a) or (b), the authority may arrange for the evidence to be so obtained only if the authority is satisfied—
- that an offence under the law of the country in question has been committed or that there are reasonable grounds for suspecting that such an offence has been committed, and
 - that proceedings in respect of the offence have been instituted in that country or that an investigation into the offence is being carried on there.
- An offence includes an act punishable in administrative proceedings.
- (3) The territorial authority is to regard as conclusive a certificate as to the matters mentioned in subsection (2)(a) and (b) issued by any authority in the country in question which appears to him to be the appropriate authority to do so.
- (4) If it appears to the territorial authority that the request for assistance relates to a fiscal offence in respect of which proceedings have not yet been instituted, the authority may not arrange for the evidence to be so obtained unless—
- the request is from a country which is a member of the Commonwealth or is made pursuant to a treaty to which the United Kingdom is a party, or
 - the authority is satisfied that if the conduct constituting the offence were to occur in a part of the United Kingdom, it would constitute an offence in that part.

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Modifications etc. (not altering text)

- C2** S. 14 functions of Secretary of State made exercisable by the Commissioners (E.W.N.I.) (23.3.2005) by [Crime \(International Co-operation\) Act 2003 \(Exercise of Functions\) Order 2005 \(S.I. 2005/425\)](#), arts. 1(1), 3

Commencement Information

- I2** S. 14 in force at 26.4.2004 by [S.I. 2004/786](#), art. 3

15 Nominating a court etc. to receive evidence

- (1) Where the evidence is in England and Wales or Northern Ireland, the Secretary of State may by a notice nominate a court to receive any evidence to which the request relates which appears to the court to be appropriate for the purpose of giving effect to the request.
- (2) But if it appears to the Secretary of State that the request relates to an offence involving serious or complex fraud, he may refer the request (or any part of it) to the Director of the Serious Fraud Office for the Director to obtain any evidence to which the request or part relates which appears to him to be appropriate for the purpose of giving effect to the request or part.
- (3) Where the evidence is in Scotland, the Lord Advocate may by a notice nominate a court to receive any evidence to which the request relates which appears to the court to be appropriate for the purpose of giving effect to the request.
- (4) But if it appears to the Lord Advocate that the request relates to an offence involving serious or complex fraud, he may give a direction under section 27 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) (directions applying investigatory provisions).
- (5) Schedule 1 is to have effect in relation to proceedings before a court nominated under this section.

Modifications etc. (not altering text)

- C3** S. 15 functions of Secretary of State made exercisable by the Commissioners (E.W.N.I.) (23.3.2005) by [Crime \(International Co-operation\) Act 2003 \(Exercise of Functions\) Order 2005 \(S.I. 2005/425\)](#), arts. 1(1), 3, 6

Commencement Information

- I3** S. 15 in force at 26.4.2004 by [S.I. 2004/786](#), art. 3

16 Extension of statutory search powers in England and Wales and Northern Ireland

- (1) Part 2 of the Police and Criminal Evidence Act 1984 (c. 60) (powers of entry, search and seizure) is to have effect as if references to ^[F1] indictable offences] in section 8 of, and Schedule 1 to, that Act included any conduct which—
 - (a) constitutes an offence under the law of a country outside the United Kingdom, and

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- (b) would, if it occurred in England and Wales, constitute [F² an indictable offence] .
- (2) But an application for a warrant or order by virtue of subsection (1) may be made only—
- (a) in pursuance of a direction given under section 13, or
- (b) if it is an application for a warrant or order under section 8 of, or Schedule 1 to, that Act by a constable for the purposes of an investigation by an international joint investigation team of which he is a member.
- (3) Part 3 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) (powers of entry, search and seizure) is to have effect as if references to [F³ serious arrestable offences] [F³ indictable offences] in Article 10 of, and Schedule 1 to, that Order included any conduct which—
- (a) constitutes an offence under the law of a country outside the United Kingdom, and
- (b) would, if it occurred in Northern Ireland, constitute [F⁴ a serious arrestable offence] [F⁴ an indictable offence] .
- (4) But an application for a warrant or order by virtue of subsection (3) may be made only—
- (a) in pursuance of a direction given under section 13, or
- (b) if it is an application for a warrant or order under Article 10 of, or Schedule 1 to, that Order, by a constable for the purposes of an investigation by an international joint investigation team of which he is a member.
- (5) In this section, “international joint investigation team” has the meaning given by section 88(7) of the Police Act 1996 (c. 16).

Textual Amendments

- F1** Words in s. 16(1) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 7 para. 51\(2\)\(a\)](#); S.I. 2005/3495, art. 2(1)(m)
- F2** Words in s. 16(1)(b) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 7 para. 51\(2\)\(b\)](#); S.I. 2005/3495, art. 2(1)(m)
- F3** Words in s. 16(3) substituted (N.I.) (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288\)](#), art. 1(2), [Sch. 1 para. 37\(1\)\(a\)](#)
- F4** Words in s. 16(3)(b) substituted (N.I.) (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288\)](#), art. 1(2), [Sch. 1 para. 37\(1\)\(b\)](#)

Modifications etc. (not altering text)

- C4** S. 16 functions of a constable made exercisable by a customs officer (E.W.N.I.) (23.3.2005) by [Crime \(International Co-operation\) Act 2003 \(Exercise of Functions\) Order 2005 \(S.I. 2005/425\)](#), arts. 1(1), 9, 12

Commencement Information

- I4** S. 16 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

17 Warrants in England and Wales or Northern Ireland

- (1) A justice of the peace may issue a warrant under this section if he is satisfied, on an application made by a constable, that the following conditions are met.

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- (2) But an application for a warrant under subsection (1) may be made only in pursuance of a direction given under section 13.
- (3) The conditions are that—
- (a) criminal proceedings have been instituted against a person in a country outside the United Kingdom or a person has been arrested in the course of a criminal investigation carried on there,
 - ^[F5](b) the conduct constituting the offence which is the subject of the proceedings or investigation would (if it occurred in England and Wales ^[F6] or Northern Ireland) constitute an indictable offence, ^[F6]or (if it occurred in Northern Ireland) constitute an arrestable offence], and]
 - (c) there are reasonable grounds for suspecting that there is on premises in England and Wales or (as the case may be) Northern Ireland occupied or controlled by that person evidence relating to the offence.
^[F7] “ Arrestable offence ” has the same meaning as in ^{F8} ... the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/ 1341 (N.I.12)).]
- (4) A warrant under this section may authorise a constable—
- (a) to enter the premises in question and search the premises to the extent reasonably required for the purpose of discovering any evidence relating to the offence,
 - (b) to seize and retain any evidence for which he is authorised to search.

Textual Amendments

- F5** S. 17(3)(b) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 7 para. 51\(3\)\(a\)](#); S.I. 2005/3495, art. 2(1)(m)
- F6** Words in s. 17(3)(b) inserted (N.I.) (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288\)](#), art. 1(2), [Sch. 1 para. 37\(2\)\(a\)](#)
- F7** Words in s. 17 omitted (N.I.) (1.3.2007) by virtue of [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288\)](#), art. 1(2), [Sch. 1 para. 37\(2\)\(b\)](#)
- F8** Words in s. 17(3) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 7 para. 51\(3\)\(b\)](#), [Sch. 17 Pt. 2](#); S.I. 2005/3495, art. 2(1)(m)(u)

Modifications etc. (not altering text)

- C5** S. 17 functions of a constable made exercisable by a customs officer (E.W.N.I.) (23.3.2005) by [Crime \(International Co-operation\) Act 2003 \(Exercise of Functions\) Order 2005 \(S.I. 2005/425\)](#), arts. 1(1), [10](#), [12](#)

Commencement Information

- I5** S. 17 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

18 Warrants in Scotland

- (1) If, on an application made by the procurator fiscal, it appears to the sheriff—
- (a) that there are reasonable grounds for suspecting that an offence under the law of a country outside the United Kingdom has been committed, and
 - (b) that the conduct constituting the offence would, if it occurred in Scotland, constitute an offence punishable by imprisonment,

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the sheriff has the like power to grant warrant authorising entry, search and seizure by any constable or customs officer as he has under section 134 of the Criminal Procedure (Scotland) Act 1995 (c. 46) in respect of any offence punishable at common law in Scotland.

- (2) But an application for a warrant by virtue of subsection (1) may be made only—
- (a) in pursuance of a direction given under section 13, or
 - (b) if it is an application made at the request of an international joint investigation team for the purposes of their investigation.

“International joint investigation team” has the meaning given by section 39(6) of the Police (Scotland) Act 1967 (c. 77).

Commencement Information

I6 S. 18 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

19 Seized evidence

- (1) Any evidence seized by a constable under or by virtue of section 16, 17 or 18 is to be sent to the court or authority which made the request for assistance or to the territorial authority for forwarding to that court or authority.
- (2) So far as may be necessary in order to comply with the request for assistance—
- (a) where the evidence consists of a document, the original or a copy is to be sent, and
 - (b) where the evidence consists of any other article, the article itself or a description, photograph or other representation of it is to be sent.
- (3) This section does not apply to evidence seized under or by virtue of section 16(2)(b) or (4)(b) or 18(2)(b).

Modifications etc. (not altering text)

C6 S. 19 functions of Secretary of State made exercisable by the Commissioners (E.W.N.I.) (23.3.2005) by [Crime \(International Co-operation\) Act 2003 \(Exercise of Functions\) Order 2005 \(S.I. 2005/425\)](#), [arts. 1\(1\), 3, 7, 11, 12](#)

Commencement Information

I7 S. 19 in force at 26.4.2004 by [S.I. 2004/786](#), [art. 3](#)

Status:

Point in time view as at 14/07/2008.

Changes to legislation:

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