



# Crime (International Co-operation) Act 2003

## 2003 CHAPTER 32

### PART 1

#### MUTUAL ASSISTANCE IN CRIMINAL MATTERS

### CHAPTER 2

#### MUTUAL PROVISION OF EVIDENCE

#### *General*

#### **26 Powers under warrants**

- (1) A court in England and Wales or Northern Ireland, or a justice of the peace, may not issue a warrant under section 17 or 22 in respect of any evidence unless the court or justice has reasonable grounds for believing that it does not consist of or include items subject to legal privilege, excluded material or special procedure material.
- (2) Subsection (1) does not prevent a warrant being issued by virtue of section 22(5) in respect of excluded material or special procedure material.
- (3) In Schedule 1 to the Criminal Justice and Police Act 2001 (c. 16) (powers of seizure), in Part 1 (powers to which the additional powers in section 50 apply)—
  - (a) paragraph 49 is omitted,
  - (b) after paragraph 73B there is inserted—

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### 73C “Crime (International Co-operation) Act 2003

The power of seizure conferred by sections 17 and 22 of the Crime (International Co-operation) Act 2003 (seizure of evidence relevant to overseas investigation or offence).”

- (4) References in this Chapter to evidence seized by a person by virtue of or under any provision of this Chapter include evidence seized by a person by virtue of section 50 of the Criminal Justice and Police Act 2001 (additional powers of seizure), if it is seized in the course of a search authorised by a warrant issued by virtue of or under the provision in question.
- (5) Subsection (4) does not require any evidence to be sent to the territorial authority or to any court or authority—
- (a) before it has been found, on the completion of any examination required to be made by arrangements under section 53(2) of the Criminal Justice and Police Act 2001, to be property within subsection (3) of that section (property which may be retained after examination), or
  - (b) at a time when it constitutes property in respect of which a person is required to ensure that arrangements such as are mentioned in section 61(1) of that Act (duty to secure) are in force.

#### Commencement Information

**II** S. 26 in force at 26.4.2004 by [S.I. 2004/786, art. 3](#)

## 27 Exercise of powers by others

- (1) The Treasury may by order provide, in relation to England and Wales or Northern Ireland—
- (a) for any function conferred on the Secretary of State (whether or not in terms) under sections 10, 11 and 13 to 26 to be exercisable instead in prescribed circumstances by the <sup>[F1]</sup>Commissioners for Revenue and Customs ],
  - (b) for any function conferred on a constable under those sections to be exercisable instead in prescribed circumstances by <sup>[F2]</sup>an officer of Revenue and Customs ] or a person acting under the direction of such an officer.  
 “Prescribed” means prescribed by the order.
- (2) The Secretary of State may by order provide, in relation to England and Wales or Northern Ireland—
- (a) for any function conferred on him under sections 13 to 26 to be exercisable instead in prescribed circumstances by a prescribed person,
  - (b) for any function conferred on a constable under those sections to be exercisable instead in prescribed circumstances by a prescribed person.  
 “Prescribed” means prescribed by the order.
- (3) Subsection (2)(b) does not apply to any powers exercisable by virtue of section 16(2)(b) or (4)(b).

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#### Textual Amendments

- F1** Words in s. 27(1)(a) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 97\(1\)\(a\), 153\(7\); S.I. 2008/1586, art. 2\(1\), Sch. 1 para. 41](#)
- F2** Words in s. 27(1)(b) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 97\(1\)\(b\), 153\(7\); S.I. 2008/1586, art. 2\(1\), Sch. 1 para. 41](#)

#### Modifications etc. (not altering text)

- C1** S. 27 restricted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 2 para. 14; S.I. 2005/1126, art. 2\(2\)\(d\)](#)

#### Commencement Information

- I2** S. 27 in force at 26.4.2004 by [S.I. 2004/786, art. 3](#)

## 28 Interpretation of Chapter 2

(1) In this Chapter—

“domestic freezing order” has the meaning given by section 10(2),  
[<sup>F3</sup>“executing State” means the participating country or the part of the United Kingdom in which the property or evidence is located (as the case may be),

“freezing order” means—

- (a) a domestic freezing order, or
- (b) an overseas freezing order,

“issuing State” means in relation to—

- (a) a domestic freezing order, the part of the United Kingdom in which a judicial authority, as defined by the law of the part of the United Kingdom in question, has made that order,” or
- (b) an overseas freezing order, the participating country in which a judicial authority, as defined by the law of that country has made, validated or in any way confirmed the order in the framework of criminal proceedings]

“notice” means a notice in writing,

“overseas freezing order” has the meaning given by section 20,

“premises” has the same meaning as in the Police and Criminal Evidence Act 1984 (c. 60), Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 (c. 29) or the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) (as the case may be),

<sup>F4F5</sup> ...

(2) The following provisions have effect for the purposes of this Chapter.

(3) In relation to England and Wales and Northern Ireland, “items subject to legal privilege”, “excluded material” and “special procedure material” have the same meaning as in the Police and Criminal Evidence Act 1984 or (as the case may be) the Police and Criminal Evidence (Northern Ireland) Order 1989.

(4) In relation to Scotland, “items subject to legal privilege” has the same meaning as in Chapter 3 of Part 8 of the Proceeds of Crime Act 2002.

(5) A listed offence means—

- (a) an offence described in <sup>F6</sup>[<sup>F7</sup>Schedule 1A (listed offences within section 28(5)(a))], or

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- (b) an offence prescribed or of a description prescribed by an order made by the Secretary of State.
- (6) An order prescribing an offence or a description of offences under subsection (5) (b) may require, in the case of an overseas freezing order, that the conduct which constitutes the offence or offences would, if it occurred in a part of the United Kingdom, constitute an offence in that part.
- (7) Specified information, in relation to a certificate required by section 11(4) or 20(5), means—
  - (a) any information <sup>F8</sup>[<sup>F9</sup>specified in Schedule 1B (certificate under section 11(4) or 20(5): specified information)], or
  - (b) any information prescribed by an order made by the Secretary of State.
- (8) In relation to Scotland, references above in this section to the Secretary of State are to be read as references to the Scottish Ministers.
- (9) The territorial authority—
  - (a) in relation to evidence in England and Wales or Northern Ireland, is the Secretary of State,
  - (b) in relation to evidence in Scotland, is the Lord Advocate.

#### Textual Amendments

- F3** Words in s. 28(1) inserted (S.) (16.5.2022) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(EU Exit\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/95\)](#), regs. 1, **3(a)(i)**
- F4** Words in s. 28(1) omitted (S.) (16.5.2022) by virtue of [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(EU Exit\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/95\)](#), regs. 1, **3(a)(ii)**
- F5** Words in s. 28(1) omitted (E.W.N.I.) (1.10.2021) by virtue of [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(England and Wales and Northern Ireland\) Regulations 2021 \(S.I. 2021/987\)](#), regs. 1, **3(2)(a)**
- F6** Words in s. 28(5)(a) substituted (S.) (16.5.2022) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(EU Exit\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/95\)](#), regs. 1, **3(b)**
- F7** Words in s. 28(5)(a) substituted (E.W.N.I.) (1.10.2021) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(England and Wales and Northern Ireland\) Regulations 2021 \(S.I. 2021/987\)](#), regs. 1, **3(2)(b)**
- F8** Words in s. 28(7)(a) substituted (S.) (16.5.2022) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(EU Exit\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/95\)](#), regs. 1, **3(c)**
- F9** Words in s. 28(7)(a) substituted (E.W.N.I.) (1.10.2021) by [The Crime \(International Co-operation\) Act 2003 \(Freezing Order\) \(England and Wales and Northern Ireland\) Regulations 2021 \(S.I. 2021/987\)](#), regs. 1, **3(2)(c)**

#### Commencement Information

- I3** S. 28 in force at 26.4.2004 by [S.I. 2004/786](#), **art. 3**

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