



# Crime (International Co- operation) Act 2003

## 2003 CHAPTER 32

### PART 1

#### MUTUAL ASSISTANCE IN CRIMINAL MATTERS

### CHAPTER 2

#### MUTUAL PROVISION OF EVIDENCE

#### *Overseas freezing orders*

#### **20 Overseas freezing orders**

- (1) Section 21 applies where an overseas freezing order made by a court or authority in a participating country is received from the court or authority which made or confirmed the order by the territorial authority for the part of the United Kingdom in which the evidence to which the order relates is situated.
- (2) An overseas freezing order is an order—
  - (a) for protecting, pending its transfer to the participating country, evidence which is in the United Kingdom and may be used in any proceedings or investigation in the participating country, and
  - (b) in respect of which the following requirements of this section are met.
- (3) The order must have been made by—
  - (a) a court exercising criminal jurisdiction in the country,
  - (b) a prosecuting authority in the country,
  - (c) any other authority in the country which appears to the territorial authority to have the function of making such orders.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The order must relate to—
- (a) criminal proceedings instituted in the participating country in respect of a listed offence, or
  - (b) a criminal investigation being carried on there into such an offence.
- (5) The order must be accompanied by a certificate which gives the specified information; but a certificate may be treated as giving any specified information which is not given in it if the territorial authority has the information in question.
- (6) The certificate must—
- (a) be signed by or on behalf of the court or authority which made or confirmed the order,
  - (b) include a statement as to the accuracy of the information given in it,
  - (c) if it is not in English, include a translation of it into English (or, if appropriate, Welsh).
- The signature may be an electronic signature.
- (7) The order must be accompanied by a request for the evidence to be sent to a court or authority mentioned in section 13(2), unless the certificate indicates when such a request is expected to be made.
- (8) References below in this Chapter to an overseas freezing order include its accompanying certificate.