
EXPLANATORY NOTE

(This note is not part of the Order)

Section 32 of the 2003 Act confers on the Secretary of State discretion to direct a senior police or senior customs officer to apply for, or to arrange respectively for a constable or a customs officer to apply for a customer information order when a request for such information is received from a participating country. A customer information order is an order made by a judge which requires a financial institution to provide such customer information as is specified in the order in relation to the person in respect of whom the order is made.

Section 35 of the 2003 Act confers on the Secretary of State discretion to direct a senior police or senior customs officer to apply for, or to arrange respectively for a constable or a customs officer to apply for, an account monitoring order when a request for such information is received from a participating country. An account monitoring order is an order made by a judge that the financial institution specified in the application for the order must, for the period stated in the order, provide account information of the description specified in the order to the applicant in the manner, and at or by the time or times, stated in the order.

Sections 43 and 44 of the 2003 Act enable judicial and prosecuting authorities in the UK to make outgoing requests for customer and account information to participating countries. Section 45 of the 2003 Act provides that these requests will be forwarded to the participating country by the Secretary of State.

This Order designates the United States of America as a participating country under section 51(2)(b) of the 2003 Act for the purpose of sections 32, 35, 43, 33 and 45 of that Act and extends to England and Wales and Northern Ireland.