
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 49

INTERNATIONAL CO-OPERATION

Overseas freezing orders

49.10.—(1) This rule applies where a court is nominated under section 21(1) of the Crime (International Co-operation) Act 2003(1) to give effect to an overseas freezing order.

- (2) Where the Secretary of State serves a copy of such an order on the court officer—
- (a) the general rule is that the court must consider the order no later than the next business day;
 - (b) exceptionally, the court may consider the order later than that, but not more than 5 business days after service.
- (3) The court must not consider the order unless—
- (a) it is satisfied that the chief officer of police for the area in which the evidence is situated has had notice of the order; and
 - (b) that chief officer of police has had an opportunity to make representations, at a hearing if that officer wants.
- (4) The court may consider the order—
- (a) without a hearing; or
 - (b) at a hearing, in public or in private.

[Note. Under sections 20, 21 and 22 of the Crime (International Co-operation) Act 2003, a court nominated by the Secretary of State must consider an order, made by a court or other authority in a country outside the United Kingdom, the purpose of which is to protect evidence in the United Kingdom which may be used in proceedings or an investigation in that other country pending the transfer of that evidence to that country. The court may decide not to give effect to such an order only if—

- (a) *were the person whose conduct is in question to be charged with the offence to which the order relates, a previous conviction or acquittal would entitle that person to be discharged; or*
- (b) *giving effect to the order would be incompatible with a Convention right, within the meaning of the Human Rights Act 1998.]*