
STATUTORY INSTRUMENTS

2017 No. 730

The Criminal Justice (European Investigation Order) Regulations 2017

PART 1

General

General Interpretation

2.—(1) In these Regulations—

“the 1990 Act” means the Criminal Justice (International Co-operation) Act 1990⁽¹⁾;

“the 2003 Act” means the Crime (International Co-operation) Act 2003⁽²⁾;

“business in the regulated sector” is to be interpreted in accordance with Schedule 9 to the Proceeds of Crime Act 2002 (regulated sector and supervisory activities)⁽³⁾;

“designated investigating authority” means an authority listed in Part 3 of Schedule 1 (investigating authorities);

“designated public prosecutor” means—

(a) in relation to England and Wales and Northern Ireland, a prosecutor listed in Part 1 of Schedule 1 (public prosecutors);

(b) in relation to Scotland, the Lord Advocate and any procurator fiscal;

“the Directive” means [Directive 2014/41/EU](#) of the European Parliament and of the Council regarding the European Investigation Order in criminal matters⁽⁴⁾;

“EU prisoner” means a person who is detained in a participating State—

(a) by virtue of a sentence or order of a court exercising criminal jurisdiction there, or

(b) in consequence of—

(i) having been transferred there, or responsibility for that person’s detention and release having been transferred there, from the United Kingdom under the Repatriation of Prisoners Act 1984⁽⁵⁾, or

(ii) having been transferred there, or responsibility for that person’s detention and release having been transferred there, under any similar provision or arrangement from any other country or territory;

“evidence” includes information in any form and articles;

“financial institution” means a person who is carrying on business in the regulated sector;

(1) 1990 c. 5.

(2) 2003 c. 32.

(3) 2002 c. 29; Parts 1 and 2 of Schedule 9 were substituted by [S.I. 2007/3287](#) and then amended by [S.I. 2011/99](#), [2011/2701](#), [2012/1534](#), [2012/2299](#), [2013/3155](#), [2015/575](#) and [2016/680](#).

(4) OJ No L 130, 1.5.2014, p1.

(5) 1984 c. 47.

“notify” means notify in writing (and “notice” and “notification” are to be read accordingly);

“participating State” means a State listed in Schedule 2;

“prison” includes an institution to which any of the following applies—

- (a) the Prison Act 1952⁽⁶⁾;
- (b) the Prison Act (Northern Ireland) 1953⁽⁷⁾, or
- (c) article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998⁽⁸⁾;

“prisoner”—

- (a) in relation to England and Wales or Northern Ireland, means a person—
 - (i) serving a sentence in a prison;
 - (ii) in custody awaiting trial or sentence, or
 - (iii) committed to prison for default in paying a fine;
- (b) in relation to Scotland, means a person detained in custody;

“prosecuting authority” includes any prosecutor listed in Part 1 or Part 2 of Schedule 1.

(2) For the purposes of these Regulations, the central authority—

- (a) in relation to England and Wales and Northern Ireland, is the Secretary of State (but see regulation 32);
- (b) in relation to Scotland, is the Lord Advocate;
- (c) in relation to a participating State, is an authority designated by that State for the purposes of Article 7(3) of the Directive.

⁽⁶⁾ 1952 c. 52.

⁽⁷⁾ 1953 c. 18 (N.I.).

⁽⁸⁾ S.I. 1998/1504 (N.I. 9).