

STATUTORY INSTRUMENTS

2019 No. 742

The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019

PART 4

Cross-border Surveillance

Revocation of Council Decisions relating to cross-border surveillance

8.—(1) The following Council Decisions are revoked but only so far as they relate to Articles 40, 42 and 43 of the 1990 Schengen Convention—

- (a) Council Decision [2000/365/EC](#) of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis;
- (b) Council Decision [2000/586/JHA](#) of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders;
- (c) Council Decision [2004/926/EC](#) of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland.

(2) Council Decision [2003/725/JHA](#) of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders is revoked.

[^{F1}(3) See Article 63(1)(a) and Title VII of Part 3 of the withdrawal agreement, Article 52(a) and Title IV of Part 3 the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act.]

Textual Amendments

- F1** Reg. 8(3) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 7

Commencement Information

- I1** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Consequential amendment of the Regulation of Investigatory Powers Act 2000

9. In section 76A of the Regulation of Investigatory Powers Act 2000 ^{M1} (foreign surveillance operations)—

- (a) in each of subsections (3) and (10)—
 - (i) omit paragraph (a) and the “or” at the end of that paragraph;

- (ii) in paragraph (b), omit “other”;
- (b) in subsection (11), omit the definition of “the Schengen Convention”.

Commencement Information

- I2** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)
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Marginal Citations

- M1** [2000 c. 23](#). Section 76A was inserted by section 83 of the [Crime \(International Co-operation\) Act 2003](#) (c. 32), and amended by paragraph 8 of Part 1 of Schedule 6 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#) (asp. 10), by paragraph 26 of Schedule 12 to the [Serious Crime Act 2007](#) (c. 27), by paragraph 98 of Part 2 of Schedule 8 to the [Crime and Courts Act 2013](#) (c. 22) and by [S.I.2013/602](#).

Transitional provision – surveillance which is not completed before commencement day

10.—^{F2}(1) Regulation 9 (consequential amendment of the Regulation of Investigatory Powers Act 2000) does not apply to relevant surveillance by a relevant foreign police or customs officer which began but which was not completed before commencement day (and see Article 63(1)(a) of the withdrawal agreement, Article 52(a) of the EEA EFTA separation agreement and sections 7A to 7C of the Withdrawal Act).]

(2) In this Regulation—

“relevant foreign police or customs officer” means a police or customs officer who, in relation to a country or territory other than the United Kingdom, is an officer for the purposes of Article 40 of the 1990 Schengen Convention (police co-operation);

“relevant surveillance” means surveillance which is carried out lawfully in the United Kingdom by virtue of section 76A of the Regulation of Investigatory Powers Act 2000 (foreign surveillance operations).

Textual Amendments

- F2** Reg. 10(1) substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1408), regs. 1, **8**
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Commencement Information

- I3** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 4.