STATUTORY INSTRUMENTS

2009 No. 3021

CRIMINAL LAW, ENGLAND AND WALES

CRIMINAL LAW, NORTHERN IRELAND

The Crime (International Co-operation) Act 2003 (Exercise of Functions) Order 2009

Made - - - -	*12th November 2009*
Laid before Parliament	*17th November 2009*
Coming into force - -	*9th December 2009*

The Secretary of State, in exercise of the powers conferred by section 27(2)(b) of the Crime (International Co-operation) Act 2003(**a**), makes the following Order:

1. This Order may be cited as the Crime (International Co-operation) Act 2003 (Exercise of Functions) Order 2009 and shall come into force on the 9th December 2009.

2. This Order extends to England and Wales and Northern Ireland.

3. In this Order—

(a) "the 2009 Act" means the Borders, Citizenship and Immigration Act 2009(**b**);

(b) "general customs matter" has the meaning given by section 1(2) of the 2009 Act;

(c) "general customs official" means a person designated as a general customs official in accordance with section 3(1) of the 2009 Act;

(d) "customs revenue matter" has the meaning given by section 7(2) of the 2009 Act;

(e) "customs revenue official" means a person designated as a customs revenue official in accordance with section 11(1) of the 2009 Act.

4. The functions conferred on a constable under sections 17 and 19 of the Crime (International Co-operation) Act 2003 may be exercised by—

(a) a general customs official in relation to an offence, or to offences, which if committed in the UK would relate to a general customs matter; or

(b) a customs revenue official in relation to an offence, or to offences, which if committed in the UK would relate to a customs revenue matter.

Home Office
12th November 2009

West of Spithead
Parliamentary Under Secretary of State

(**a**) 2003 c.32.
(**b**) 2009 c.11.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Crime (International Co-operation) Act 2003 ('the 2003 Act') provides statutory powers pursuant to which the United Kingdom can both seek and provide various forms of mutual legal assistance concerning criminal matters. Where the execution of a request for criminal mutual legal assistance concerning evidence located in England, Wales or Northern Ireland requires the use of search and seizure powers, the territorial authority which is dealing with the request may, under section 13 of the 2003 Act, direct that a search warrant be applied for under section 17 of that Act; a search warrant under section 17 of the 2003 Act falls to be applied for by a constable. Section 19 of the 2003 Act provides that evidence seized by a constable under or by virtue of section 17 of that Act must be forwarded directly to the court or overseas authority which made the request or to the relevant territorial authority, who will then forward it in turn to that court or overseas authority.

Section 27(2)(b) of the 2003 Act allows the Secretary of State to provide by order, in relation to England and Wales or Northern Ireland, for any function conferred on a constable under sections 13 to 26 of the 2003 Act to be exercisable instead in prescribed circumstances by a prescribed person. This Order prescribes that the functions conferred on a constable under sections 17 and 19 of the 2003 Act may be exercised by a general customs official in relation to an offence, or offences, which if committed in the UK would relate to a general customs matter, and by a customs revenue official in relation to an offence, or offences, which if committed in the UK would relate to a customs revenue matter.

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