*Draft Order laid before Parliament under section 50(5)(a) of the Crime (International Co-operation) Act 2003, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2013 No. 0000

# CRIMINAL LAW, ENGLAND AND WALES

# CRIMINAL LAW, NORTHERN IRELAND

# The Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2013

*Made*

*Coming into force in accordance with Article 1*

The Secretary of State makes the following Order in exercise of the power conferred by section 51(2)(b) of the Crime (International Co-operation) Act 2003(**a**).

In accordance with section 50(5)(a) of that Act, a draft of this Order was laid before and approved by a resolution of each House of Parliament.

**Citation and commencement**

**1.** This Order may be cited as the Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2013 and shall come into force on the day after the day on which it is made.

**Extent**

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

**Designation of participating countries**

**3.** The Republic of Armenia, the Republic of Chile and Ukraine are designated as participating countries under section 51(2)(b) of the Crime (International Co-operation) Act 2003 for the purposes of sections 31, 47(**b**) and 48(**c**) of, and paragraph 15 of Schedule 2 to, that Act.

Home Office
Date

*Name*
Minister of State

(**a**) 2003 c.32.
(**b**) Section 47 was amended by the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 237.
(**c**) Section 48 was amended by the Criminal Justice and Immigration Act 2008 (c.4), Schedule 26, Part 2, paragraph 52.

## 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. Some of those statutory powers can, however, only be exercised where the country in question is a 'participating country' as defined in section 51(2) of the 2003 Act. Where a country is a Member State of the European Union on the date on which a provision is commenced, that country will, by virtue of 51(2)(a), fall to be regarded as a participating country for the purpose of the commenced provision. Where, however, a country is not a Member State on the date on which a provision is commenced, that country must be designated as a participating country in an order made under section 51(2)(b) in order to be regarded as a participating country for the purpose of the commenced provision.

Those powers which can only be exercised in relation to participating countries include the power for the Secretary of State to facilitate a witness in the UK giving evidence in overseas proceedings by telephone (section 31 of, and paragraph 15 of Schedule 2, to the 2003 Act), the power for the Secretary of State to facilitate the transfer of a UK prisoner to a participating country to assist in an investigation (section 47) and the power for the Secretary of State to enable an overseas prisoner to be transferred to the UK in order to assist with an investigation (section 48).

The Republic of Armenia, the Republic of Chile and Ukraine have all recently ratified the Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (Cmnd 5603 of 2002) ('the Protocol'). In order to enable the UK to comply with our international obligations under the Protocol, Article 3 of this Order designates the Republic of Armenia, the Republic of Chile and Ukraine as participating countries for the purposes of sections 31, 47 and 48 of, and paragraph 15 of Schedule 2 to, the 2003 Act.

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