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# Crime (International Co-operation) Act 2003

2003 c. 32 Part 1 Chapter 2 Assistance in obtaining evidence abroad **Section 7**

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PROSPECTIVE

## 7 Requests for assistance in obtaining evidence abroad

- (1) If it appears to a judicial authority in the United Kingdom on an application made by a person mentioned in subsection (3)—
  - (a) that an offence has been committed or that there are reasonable grounds for suspecting that an offence has been committed, and
  - (b) that proceedings in respect of the offence have been instituted or that the offence is being investigated,

the judicial authority may request assistance under this section.
- (2) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom any evidence specified in the request for use in the proceedings or investigation.
- (3) The application may be made—
  - (a) in relation to England and Wales and Northern Ireland, by a prosecuting authority,
  - (b) in relation to Scotland, by the Lord Advocate or a procurator fiscal,
  - (c) where proceedings have been instituted, by the person charged in those proceedings.
- (4) The judicial authorities are—
  - (a) in relation to England and Wales, any judge or justice of the peace,
  - (b) in relation to Scotland, any judge of the High Court or sheriff,
  - (c) in relation to Northern Ireland, any judge or resident magistrate.
- (5) In relation to England and Wales or Northern Ireland, a designated prosecuting authority may itself request assistance under this section if—
  - (a) it appears to the authority that an offence has been committed or that there are reasonable grounds for suspecting that an offence has been committed, and
  - (b) the authority has instituted proceedings in respect of the offence in question or it is being investigated.

“Designated” means designated by an order made by the Secretary of State.
- (6) In relation to Scotland, the Lord Advocate or a procurator fiscal may himself request assistance under this section if it appears to him—
  - (a) that an offence has been committed or that there are reasonable grounds for suspecting that an offence has been committed, and
  - (b) that proceedings in respect of the offence have been instituted or that the offence is being investigated.
- (7) If a request for assistance under this section is made in reliance on Article 2 of the 2001 Protocol (requests for information on banking transactions) in connection with the investigation of an offence, the request must state the grounds on which the person making the request considers the evidence specified in it to be relevant for the purposes of the investigation.

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