

Title:
 Year:
 Number:
 Type:

[Advanced Search](#)

Crime (International Co-operation) Act 2003

2003 c. 32 Part 1 Chapter 2 Assisting overseas authorities to obtain evidence in the UK Section 14

[Table of Contents](#)
[Content](#)
[Explanatory Notes](#)
[More Resources](#)

[Previous: Provision](#)

[Next: Provision](#)

[Plain View](#)

[Print Options](#)

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[View outstanding changes](#)

PROSPECTIVE

14 Powers to arrange for evidence to be obtained

- (1) The territorial authority may arrange for evidence to be obtained under section 15 if the request for assistance in obtaining the evidence is made in connection with—
 - (a) criminal proceedings or a criminal investigation, being carried on outside the United Kingdom,
 - (b) administrative proceedings, or an investigation into an act punishable in such proceedings, being carried on there,
 - (c) clemency proceedings, or proceedings on an appeal before a court against a decision in administrative proceedings, being carried on, or intended to be carried on, there.
- (2) In a case within subsection (1)(a) or (b), the authority may arrange for the evidence to be so obtained only if the authority is satisfied—
 - (a) that an offence under the law of the country in question has been committed or that there are reasonable grounds for suspecting that such an offence has been committed, and
 - (b) that proceedings in respect of the offence have been instituted in that country or that an investigation into the offence is being carried on there.

An offence includes an act punishable in administrative proceedings.
- (3) The territorial authority is to regard as conclusive a certificate as to the matters mentioned in subsection (2)(a) and (b) issued by any authority in the country in question which appears to him to be the appropriate authority to do so.
- (4) If it appears to the territorial authority that the request for assistance relates to a fiscal offence in respect of which proceedings have not yet been instituted, the authority may not arrange for the evidence to be so obtained unless—
 - (a) the request is from a country which is a member of the Commonwealth or is made pursuant to a treaty to which the United Kingdom is a party, or
 - (b) the authority is satisfied that if the conduct constituting the offence were to occur in a part of the United Kingdom, it would constitute an offence in that part.

[Previous: Provision](#)

[Next: Provision](#)