

Title: Year: Number: Type: [Search](#)

[Advanced Search](#)

Crime (International Co-operation) Act 2003

2003 c. 32 Part 1 Chapter 2 Assistance in obtaining evidence abroad **Section 9**

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

[Previous: Provision](#)

[Next: Provision](#)

[Plain View](#)

[Print Options](#)

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[View outstanding changes](#)

PROSPECTIVE

9 Use of evidence obtained

- (1) This section applies to evidence obtained pursuant to a request for assistance under section 7.
- (2) The evidence may not without the consent of the appropriate overseas authority be used for any purpose other than that specified in the request.
- (3) When the evidence is no longer required for that purpose (or for any other purpose for which such consent has been obtained), it must be returned to the appropriate overseas authority, unless that authority indicates that it need not be returned.
- (4) In exercising the discretion conferred by section 25 of the Criminal Justice Act 1988 (c. 33) or Article 5 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/ 1847 (N.I. 17)) (exclusion of evidence otherwise admissible) in relation to a statement contained in the evidence, the court must have regard—
 - (a) to whether it was possible to challenge the statement by questioning the person who made it, and
 - (b) if proceedings have been instituted, to whether the local law allowed the parties to the proceedings to be legally represented when the evidence was being obtained.
- (5) In Scotland, the evidence may be received in evidence without being sworn to by witnesses, so far as that may be done without unfairness to either party.
- (6) In this section, the appropriate overseas authority means the authority recognised by the government of the country in question as the appropriate authority for receiving requests of the kind in question.

[Previous: Provision](#)

[Next: Provision](#)