

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT CRIME (INTERNATIONAL
CO-OPERATION) ACT 2003 (DESIGNATION OF
PARTICIPATING COUNTRIES) (ENGLAND, WALES
AND NORTHERN IRELAND) ORDER 2022

Wednesday 26 October 2022

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Sunday 30 October 2022

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The Committee consisted of the following Members:

Chair: CLIVE EFFORD

Benn, Hilary (<i>Leeds Central</i>) (Lab)	† Hardy, Emma (<i>Kingston upon Hull West and Hessle</i>) (Lab)
† Blomfield, Paul (<i>Sheffield Central</i>) (Lab)	† Lynch, Holly (<i>Halifax</i>) (Lab)
† Bowie, Andrew (<i>West Aberdeenshire and Kincardine</i>) (Con)	Quin, Jeremy (<i>Minister for the Cabinet Office and Paymaster General</i>)
† Davies, Gareth (<i>Grantham and Stamford</i>) (Con)	Selous, Andrew (<i>South West Bedfordshire</i>) (Con)
De Cordova, Marsha (<i>Battersea</i>) (Lab)	† Stafford, Alexander (<i>Rother Valley</i>) (Con)
† Dines, Miss Sarah (<i>Lord Commissioner of His Majesty's Treasury</i>)	Vaz, Valerie (<i>Walsall South</i>) (Lab)
† Double, Steve (<i>St Austell and Newquay</i>) (Con)	† Wright, Sir Jeremy (<i>Kenilworth and Southam</i>) (Con)
† Drax, Richard (<i>South Dorset</i>) (Con)	Jonathan Edwards, Ailish McAllister-Fisher, <i>Committee Clerks</i>
† Dunne, Philip (<i>Ludlow</i>) (Con)	† attended the Committee
† Elmore, Chris (<i>Ogmore</i>) (Lab)	

The following also attended, pursuant to Standing Order No. 118(2):

Tugendhat, Tom (*Minister for Security*)

Fourth Delegated Legislation Committee

Wednesday 26 October 2022

[CLIVE EFFORD *in the Chair*]

Draft Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2022

9.25 am

The Chair: Before I ask the Whip to move the motion formally, I will explain what is going on. Members might have noticed that the Minister is not on the list of members of the Committee, so the Whip will move the motion, and the Minister will then do his duty and read his speech. I am sure that is clear to everyone.

Motion made, and Question proposed,

That the Committee has considered the draft Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2022.—
(*Miss Dines.*)

9.26 am

The Minister for Security (Tom Tugendhat): The purpose of the draft statutory instrument is to designate Georgia, Liechtenstein, Luxembourg, the Republic of Moldova, Switzerland and Turkey as participating countries—that is, countries that have ratified the second additional protocol to the 1959 European convention on mutual assistance in criminal matters. Designation will allow us to co-operate with them on specific kinds of mutual legal assistance. The draft order only establishes an ability to provide or seek certain types of assistance to or from these countries; it does not create an obligation to do so. Incoming mutual legal assistance requests from designated participating countries will be reviewed in line with existing practice, which includes the undertaking of a human rights assessment. The details are set out in the explanatory memorandum. It is important to note that the draft instrument does not include Russia. Although Russia is a signatory of various agreements under the 1959 convention, we have chosen not to include it for obvious reasons.

The UK is committed to improving the provision of mutual legal assistance across borders. That will enhance the co-operation that the UK can offer to and seek from other countries. Clearly, mutual legal assistance is a key tool in fighting cross-border crime and in ensuring justice for British victims of crime.

9.27 am

Holly Lynch (Halifax) (Lab): As always, it is a pleasure to see you in the Chair, Mr Efford. I thank the Minister for his opening contribution, and I am genuinely pleased to see him in his place this morning.

As the Minister said, the draft statutory instrument will allow the UK and Georgia, Liechtenstein, Luxembourg, the Republic of Moldova, Switzerland and Turkey to seek and invoke mutual legal assistance on criminal matters following ratification of the second additional protocol to the 1959 European convention on mutual legal assistance in criminal matters. Our national security is dependent on maintaining strong relationships and co-operation with our allies abroad, and we welcome any measures that will assist in tackling crime in our country and, where we can assist, overseas.

On the 1959 European convention and its protocols, most of the questions I had about the provisions have been answered. I am satisfied that the framework is comprehensive and facilitates long-standing agreements between the 50 states that have ratified the convention, including the agreement that all parties should be member states of the Council of Europe. I am interested to hear how often requests under the convention are made.

I am particularly interested in section 45 of the Crime (International Co-operation) Act 2003. That Act ratified the second additional protocol to the 1959 convention. Section 45 provides that requests for assistance made under sections 43 and 44 must be sent to the Secretary of State to be forwarded to the relevant authority in the participating country. However, in cases of urgency, the request may be sent directly to the courts that have jurisdiction in the place from which the information is to be obtained. I am concerned that the provision gives cover for those seeking to bypass the need for the appropriate ministerial sign-off, which is significant. An indication of how often that happens would be appreciated.

The provisions on information relating to banking transactions are certainly welcome. The National Crime Agency has warned that billions of pounds in dirty money flow through the UK every year. Recent data published by Experian shows that fraudulent activity costs the UK £190 billion per year. The measures in the National Security Bill and the Economic Crime and Corporate Transparency Bill, alongside the provisions in the draft order, are a long-overdue start on getting a grip on illicit finances.

Pending answers to the questions I have asked, we are satisfied that the draft statutory instrument enacts a long-standing commitment to law enforcement co-operation for the additional countries in question, and we very much welcome the measure.

9.30 am

Tom Tugendhat: It is a great pleasure to be under your chairmanship, Mr Efford. I am grateful for the shadow Minister's kind words, and pleased that she is not facing a fifth, I think it would have been, opposite number. I will write on the frequency of the use of the provisions; they are quite well used, but I will give details in writing.

Question put and agreed to.

9.31 am

Committee rose.