



Crime (Overseas Production Orders) Act 2019

2019 CHAPTER 5

Supplementary

13 Effect of notice of application

- (1) Where notice of an application for an overseas production order is served on a person (whether under section 12 or otherwise), the person must not—
 - (a) conceal, destroy, alter or dispose of any of the electronic data specified or described in the application for the order, or
 - (b) disclose the making of the application or its contents to any person.
- (2) But a person on whom notice of an application for an overseas production order is served may do something mentioned in paragraph (a) or (b) of subsection (1)—
 - (a) with the leave of a judge, or
 - (b) with the written permission of the appropriate officer who made the application or an equivalent appropriate officer.
- (3) Where no overseas production order is made on the application, the duty imposed on a person under subsection (1)(a) and (b) ceases to apply when the application is dismissed or abandoned, unless on a dismissal of the application the judge orders that the duty is to continue to apply.
- (4) Where an overseas production order is made on the application, the duty imposed on a person under subsection (1)(a) ceases to apply when one of the following occurs—
 - (a) the order is served;
 - (b) the order is revoked before it is served, unless on its revocation the judge orders that the duty is to continue to apply;
 - (c) the order is treated as if it had been quashed by virtue of section 9(1) or is otherwise quashed before it is served.
- (5) Where an overseas production order is made on the application, the duty imposed on a person under subsection (1)(b) ceases to apply—

Status: This is the original version (as it was originally enacted).

- (a) where the overseas production order does not include a non-disclosure requirement, when the order is made;
 - (b) where the overseas production order includes a non-disclosure requirement, when the non-disclosure requirement expires (see section 8).
- (6) An order under subsection (3) or (4)(b) must specify or describe when the duty is to cease to apply.
- (7) For the purpose of subsection (2)(b), an appropriate officer is an equivalent appropriate officer in relation to an application for an overseas production order if—
 - (a) the appropriate officer falls within the same sub-paragraph of section 2(1)(a) or (b) as the appropriate officer who made the application, and
 - (b) where that sub-paragraph is sub-paragraph (vii) of section 2(1)(a) or sub-paragraph (v) of section 2(1)(b), the appropriate officer is of the same description as the appropriate officer who made the application.
- (8) In subsection (5), “non-disclosure requirement” has the meaning given by section 8(2).