
STATUTORY INSTRUMENTS

2018 No. 521

The Terrorism Act 2000 (Enforcement in Different Parts of the United Kingdom) Order 2018

PART 2

Enforcement in England and Wales of Northern Ireland Orders and Scottish Orders

Northern Ireland Production Orders

13.—(1) This article applies where—

- (a) a Northern Ireland production order requires a person in England and Wales in possession or control of material in England and Wales to produce the material or give access to the material; or
- (b) an order to grant entry to premises in England and Wales is made in respect of a Northern Ireland production order under paragraph 5(5) of Schedule 5 (excluded and special procedure material: production & access).

(2) Subject to paragraph (11), the production order may be served—

- (a) by sending it by post, facsimile transmission or electronic mail to the person in possession of the material; or
- (b) by an English or Welsh appropriate officer or a Northern Ireland appropriate officer serving the order personally,

and any rules of court as to the service of documents (other than rules of court made by virtue of section 120C) and any other requirements in law as to the service of documents do not apply.

(3) Paragraph 5(3) of Schedule 5 (excluded and special procedure material: production & access)(1) has effect with the modifications in paragraph (4).

(4) The modifications are that for “an appropriate officer” there is substituted—

- (a) in sub-paragraph (a), “whichever of an English or Welsh appropriate officer, a Northern Ireland appropriate officer or an English or Welsh appropriate officer and a Northern Ireland appropriate officer acting together the order specifies”, and
- (b) in sub-paragraph (b), “such officer or officers”.

(5) Paragraph 5(5) of Schedule 5 (excluded and special procedure material: production & access)(2) has effect with the modification in paragraph (6).

(6) The modification is that for “a constable” there is substituted “an officer or officers specified in such order”.

(7) Paragraph 7(2)(a) of Schedule 5 (excluded and special procedure material: production & access)(3) has effect with the modification in paragraph (8).

(1) Paragraph 5(3) is amended by section 41(2) of the Criminal Finances Act 2017.

(2) Paragraph 5(5) is amended by paragraph 9(a) of Schedule 4 to the Courts Act 2003 (c. 39).

(3) Paragraph 7(2) is amended by section 41(2) of the Criminal Finances Act 2017.

(8) The modification is that for “a named appropriate officer (as defined in paragraph 5(6))”, there is substituted “whichever of a named English or Welsh appropriate officer, a named Northern Ireland appropriate officer or a named English or Welsh appropriate officer and a named Northern Ireland appropriate officer acting together the order specifies”.

(9) The production order, including an order to grant entry, as the case may be, has effect as if it were an order of the Crown Court in England and Wales.

(10) Paragraph 8 of Schedule 5 (excluded and special procedure material: production & access) has effect as if the production order were an English or Welsh production order.

(11) Paragraph 9 of Schedule 5 (excluded and special procedure material: production & access) has effect as if the production order were an English or Welsh production order and in particular—

- (a) if the order is not brought to the attention of the officer concerned within the period stated in the order (in pursuance of paragraph 5(3) of Schedule 5 (excluded and special procedure material: production & access)) the person on whom it is served must report the reasons for the failure to a judge entitled to exercise the jurisdiction of the Crown Court in England and Wales; and
- (b) the production order must be served as if the proceedings were civil proceedings started against the government department in England and Wales.