
STATUTORY INSTRUMENTS

2018 No. 521

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

PART 3

Enforcement in Northern Ireland of English or Welsh Orders and Scottish Orders

English or Welsh Account Monitoring Orders

15.—(1) This article applies where an English or Welsh account monitoring order is made in respect of a financial institution in Northern Ireland.

(2) The account monitoring 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 a Northern Ireland appropriate officer or an English or Welsh appropriate officer serving the order personally,

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

(3) Paragraph 2(4) of Schedule 6A (account monitoring orders) has effect with the modification that for “an appropriate officer” there is substituted “whichever of an English or Welsh appropriate officer, a Northern Ireland appropriate officer or an English or Welsh appropriate officer and Northern Ireland appropriate officer acting together the order specifies”.

(4) The account monitoring order has effect as if it were an order of the Crown Court in Northern Ireland.

(5) Paragraph 7 of Schedule 6A (statements) applies to criminal proceedings brought in Northern Ireland as well as criminal proceedings brought in England and Wales.

(6) Paragraph 6(2) of Schedule 6A (effect of orders) has effect as if the order were a Northern Ireland account monitoring order.

Scottish Account Monitoring Orders

16.—(1) This article applies where a Scottish account monitoring order is made in respect of a financial institution in Northern Ireland.

(2) The account monitoring 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 a Northern Ireland appropriate officer or a constable of the Police Service of Scotland 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 2(4) of Schedule 6A (account monitoring orders) has effect with the modification that for “an appropriate officer” there is substituted “whichever of a Northern Ireland appropriate officer, a constable of the Police Service of Scotland or a Northern Ireland appropriate officer and a constable of the Police Service of Scotland acting together the order specifies”.

(4) The account monitoring order has effect as if it were an order of the Crown Court in Northern Ireland.

(5) Paragraph 7 of Schedule 6A (statements) applies to criminal proceedings brought in Northern Ireland as well as criminal proceedings brought in Scotland.

(6) Paragraph 6(2) of Schedule 6A (effect of orders) has effect as if the order were a Northern Ireland account monitoring order.

English or Welsh Disclosure Orders

17.—(1) Paragraphs (2) to (5) apply where an English or Welsh appropriate officer gives a notice under an English or Welsh disclosure order which requires a person in Northern Ireland to—

- (a) answer questions in Northern Ireland; or
- (b) provide information or produce documents in Northern Ireland.

(2) Paragraph 9(3) of Schedule 5A (disclosure orders) has effect with the modification that for “an appropriate officer” there is substituted “whichever of an English or Welsh appropriate officer, a Northern Ireland appropriate officer or an English or Welsh appropriate officer and Northern Ireland appropriate officer acting together the order specifies”.

(3) Proceedings for an offence under paragraph 11 of Schedule 5A (offences) may be brought in Northern Ireland.

(4) Paragraph 12 of Schedule 5A (statements) applies in relation to criminal proceedings brought in Northern Ireland, as well as criminal proceedings brought in England and Wales.

(5) Paragraph 13 of Schedule 5A (further provisions) applies as if the order were a Northern Ireland disclosure order.

(6) Paragraph (7) applies where an English or Welsh appropriate officer gives a notice under an English or Welsh disclosure order which requires a person in Northern Ireland to—

- (a) answer questions in England or Wales; or
- (b) provide information or produce documents in England or Wales.

(7) Proceedings for an offence under paragraph 11 of Schedule 5A (offences) may be brought in Northern Ireland as well as in England and Wales.

Scottish Disclosure Orders

18.—(1) Paragraphs (2) to (6) apply where the Lord Advocate gives a notice under a Scottish disclosure order which requires a person in Northern Ireland to—

- (a) answer questions in Northern Ireland; or
- (b) provide information or produce documents in Northern Ireland.

(2) Paragraph 21 of Schedule 5A (offences) does not apply and paragraph 11 of Schedule 5A (offences) applies as if the order were a Northern Ireland disclosure order.

(3) Paragraph 22 of Schedule 5A (statements) applies in relation to criminal proceedings brought in Northern Ireland, as well as criminal proceedings brought in Scotland, with the modifications in paragraph (4).

(4) The modifications are that in sub-paragraph (2)—

(a) in paragraph (a), after “paragraph 21(1) or (3)” there is inserted “or an offence under paragraph 11(1) or (3)”;

(b) in paragraph (b), after “perjury” there is inserted “or an offence under article 10 of the Perjury (Northern Ireland) Order 1979”.

(5) Paragraph 23 of Schedule 5A (further provisions) does not apply and paragraph 13 of Schedule 5A (further provisions) applies as if the order were a Northern Ireland disclosure order, with the modifications in paragraph (6).

(6) The modifications are that—

(a) in sub-paragraph (5), for “An appropriate officer” there is substituted “The Lord Advocate”; and

(b) in sub-paragraph (7), for “an appropriate officer” there is substituted “the Lord Advocate”.

(7) Paragraphs (8) and (9) apply where the Lord Advocate gives a notice under a Scottish disclosure order which requires a person in Northern Ireland to—

(a) answer questions in Scotland; or

(b) provide information or produce documents in Scotland.

(8) Paragraph 11 of Schedule 5A (offences) applies as if the order were a Northern Ireland disclosure order, as well as paragraph 21 of Schedule 5A (offences) and, for the avoidance of doubt, paragraph 13 of Schedule 5A (further provisions) does not apply in determining whether the person has committed an offence under paragraph 11(1) or (3) of Schedule 5A (offences).

(9) Paragraph 22 of Schedule 5A (statements) does not prevent a statement made by the person in response to a requirement imposed by the notice from being used in evidence on a prosecution in Northern Ireland for an offence under paragraph 11(1) or (3) of Schedule 5A (offences).

English or Welsh Explanation Orders

19.—(1) This article applies where an English or Welsh explanation order requires a person in Northern Ireland to provide an explanation of any material produced or made available under paragraph 5 of Schedule 5 (excluded and special procedure material: production & access).

(2) The explanation 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) The explanation order has effect as if it were an order of the Crown Court in Northern Ireland.

(4) Paragraph 13(2) of Schedule 5 (explanations) applies as if the explanation order were a Northern Ireland explanation order.

(5) Paragraph 13(4)(b) of Schedule 5 (explanations) applies in relation to criminal proceedings brought in Northern Ireland as well as criminal proceedings brought in England and Wales.

(6) Proceedings for an offence under paragraph 14 of Schedule 5 (explanations) may be brought in Northern Ireland.

Scottish Explanation Orders

20.—(1) This article applies where a Scottish explanation order requires a person in Northern Ireland to provide an explanation of any material produced or made available under paragraph 22 of Schedule 5 (order for production of material).

(2) The explanation 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 a Northern Ireland appropriate officer or a constable of the Police Service of Scotland 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) The explanation order has effect as if it were an order of the Crown Court in Northern Ireland.

(4) Paragraph 33(1) of Schedule 5 (supplementary) does not apply and paragraph 13(2) of Schedule 5 (explanations) applies as if the explanation order were a Northern Ireland explanation order.

(5) In relation to criminal proceedings brought in Northern Ireland—

- (a) paragraph 30(3) of Schedule 5 (explanations) does not apply, and
- (b) paragraph 13(4)(b) of Schedule 5 (explanations) applies.

English or Welsh Financial Information Orders

21.—(1) This article applies where a constable or counter-terrorism financial investigator of an English or Welsh police force requires a financial institution in Northern Ireland to provide customer information under an English or Welsh financial information order.

(2) Proceedings for an offence under paragraph 1(3) (orders) and paragraph 8 (offence by body corporate) of Schedule 6 may be brought in Northern Ireland as well as in England and Wales.

(3) Paragraph 9 of Schedule 6 (self-incrimination) applies in relation to criminal proceedings brought in Northern Ireland as well as criminal proceedings brought in England and Wales.

(4) Paragraph 1(2)(b) of Schedule 6 (orders) applies as if the order were a Northern Ireland financial information order.

Scottish Financial Information Orders

22.—(1) This article applies where a constable of the Police Service of Scotland requires a financial institution in Northern Ireland to provide customer information under a Scottish financial information order.

(2) Proceedings for an offence under paragraph 1(3) (orders) and paragraph 8 (offence by body corporate) of Schedule 6 may be brought in Northern Ireland as well as in Scotland.

(3) Paragraph 9 of Schedule 6 (self-incrimination) applies in relation to criminal proceedings brought in Northern Ireland as well as criminal proceedings brought in Scotland.

(4) Paragraph 1(2)(b) of Schedule 6 (orders) applies as if the order were a Northern Ireland financial information order.

English or Welsh Further Information Orders

23.—(1) This article applies where an English or Welsh further information order requires a person in Northern Ireland to provide information.

- (2) The further information 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 a Northern Ireland law enforcement officer or an English or Welsh law enforcement officer serving the order personally,

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

(3) Section 22C (statements) applies in relation to criminal proceedings brought in Northern Ireland, as well as criminal proceedings brought in England and Wales

Scottish Further Information Orders

24.—(1) This article applies where a Scottish further information order requires a person in Northern Ireland to provide information.

- (2) The further information 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 a Northern Ireland law enforcement officer or a Scottish law enforcement 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) Section 22C (statements) applies in relation to criminal proceedings brought in Northern Ireland, as well as criminal proceedings brought in Scotland.

English or Welsh Production Orders

- 25.**—(1) This article applies where—
- (a) an English or Welsh production order requires a person in Northern Ireland in possession or control of material in Northern Ireland to produce the material or give access to the material; or
 - (b) an order to grant entry to premises in Northern Ireland is made in respect of an English or Welsh production order under paragraph 5(5) of Schedule 5 .

- (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 a Northern Ireland appropriate officer or an English or Welsh 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 and access) 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 and access) 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 and access) has effect with the modification in paragraph (8).

(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 Northern Ireland.

(10) Paragraph 8(1) of Schedule 5 (excluded and special procedure material: production and access) has effect as if the production order were a Northern Ireland production order.

(11) Paragraph 9 of Schedule 5 (excluded and special procedure material: production and access) has effect as if the production order were a Northern Ireland 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 and access)) the person on whom it is served must report the reasons for the failure to a Crown Court judge in Northern Ireland; and
- (b) the production order must be served as if the proceedings were civil proceedings started against the government department in Northern Ireland.

Scottish Production Orders

26.—(1) This article applies where—

- (a) a Scottish production order requires a person in Northern Ireland in possession or control of material in Northern Ireland to produce the material or give access to the material; or
- (b) an order to grant entry to premises in Northern Ireland is made in respect of a Scottish production order under paragraph 22(5) of Schedule 5 (order for production of material).

(2) Subject to paragraph (9), 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 a Northern Ireland appropriate officer or a constable of the Police Service of Scotland 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 22(3) of Schedule 5 (order for production of material) has effect with the modifications in paragraph (4).

(4) The modifications are that for “a constable” there is substituted—

- (a) in sub-paragraph (a), “whichever of a Northern Ireland appropriate officer, a constable of the Police Service of Scotland or a Northern Ireland appropriate officer and a constable of the Police Service of Scotland acting together the order specifies”; and
- (b) in sub-paragraph (b), “such officer or officers”.

(5) Paragraph 24(2)(a) of Schedule 5 (order for production of material) has effect with the modification in paragraph (6).

(6) The modification is that for “a named constable” there is substituted “whichever of a named Northern Ireland appropriate officer, a named constable of the Police Service of Scotland or a named Northern Ireland appropriate officer and a named constable of the Police Service of Scotland acting together the order specifies”.

(7) 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 a Northern Ireland.

(8) Paragraphs 25 (order for production of material) and 33(1) (supplementary) of Schedule 5 do not apply and paragraph 8 of Schedule 5 (excluded and special procedure material: production & access) has effect as if the production order were a Northern Ireland production order.

(9) Paragraph 26 of Schedule 5 (order for production of material) does not apply and paragraph 9 of Schedule 5 (excluded and special procedure material: production & access) has effect as if the production order were a Northern Ireland 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 22(3) of Schedule 5 (order for production of material)) the person on whom it is served must report the reasons for the failure to a Crown Court judge in Northern Ireland; and
- (b) the production order must be served as if the proceedings were civil proceedings started against the government department in a Northern Ireland.