



Crime (Overseas Production Orders) Act 2019

2019 CHAPTER 5

Miscellaneous and general

16 Designation of international agreements for purposes of section 52 of Investigatory Powers Act 2016

- (1) Section 52 of the Investigatory Powers Act 2016 (interception of communications in accordance with overseas requests) is amended as follows.
- (2) In subsection (3), at the end insert “(see further subsections (6) and (7))”.
- (3) After subsection (5) insert—
 - “(6) Subsection (7) applies where an international agreement provides for requests for the interception of a communication to be made by the competent authorities of a country or territory, or of more than one country or territory, in which a person found guilty of a criminal offence may be sentenced to death for the offence under the general criminal law of the country or territory concerned.

Such an offence is referred to in subsection (7) as a “death penalty offence”.

- (7) Where this subsection applies, the Secretary of State may not designate the agreement as a relevant international agreement unless the Secretary of State has sought, in respect of each country or territory referred to in subsection (6), a written assurance, or written assurances, relating to the non-use of information obtained by virtue of the agreement in connection with proceedings for a death penalty offence in the country or territory.”

17 Regulations

- (1) Any power of the Secretary of State to make regulations under this Act is exercisable by statutory instrument.

- (2) Regulations under section 1(5)(b), 2(1) or 4(1)(b) may make—
 - (a) different provision for different purposes,
 - (b) different provision for different areas, and
 - (c) transitional, transitory or saving provision.
- (3) The Secretary of State must consult the Scottish Ministers before making regulations under section 2(1)(b)(v).
- (4) A statutory instrument containing regulations under section 4(1)(b) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Any other statutory instrument containing regulations under this Act, other than a statutory instrument containing regulations under section 20, is subject to annulment in pursuance of a resolution of either House of Parliament.

18 Interpretation

- (1) In this Act—
 - “appropriate officer” has the meaning given by section 2;
 - “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “designated international co-operation arrangement” has the meaning given by section 1(5);
 - “electronic data” has the meaning given by section 3(2);
 - “excepted electronic data” has the meaning given by section 3(3) to (5);
 - “judge” has the meaning given by section 1(7);
 - “overseas production order” has the meaning given by section 1(4) (see also section 7(6)).
- (2) References in this Act to proceedings relating to an overseas production order include proceedings for the making, variation or revocation of an order under section 8(4) or 13(3) or (4)(b).

19 Extent

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, subject as follows.
- (2) Section 10(3) extends to England and Wales only.
- (3) Section 10(4) extends to Northern Ireland only.

20 Commencement

- (1) Except as provided by subsection (3), this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2) Regulations under subsection (1) may appoint different days for different purposes or different areas.
- (3) The following provisions come into force on the day on which this Act is passed—

- (a) sections 17 to 19;
 - (b) this section;
 - (c) section 21.
- (4) The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.

21 Short title

This Act may be cited as the Crime (Overseas Production Orders) Act 2019.