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STATUTORY INSTRUMENTS

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**2003 No. 425**

**The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003**

**PART 2**

**ENFORCEMENT IN ENGLAND AND WALES OF SCOTTISH AND NORTHERN IRELAND ORDERS AND WARRANTS**

**Northern Ireland production orders**

**3.—(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 section 347 of the Act.

(2) Subject to paragraph (7), the production order or the order to grant entry, as the case may be, 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 446 of the Act) or other requirements in law as to the service of documents do not apply.

(3) Sections 345(4), 347(3), 348(5) and (7) and 349 of the Act have effect with the modifications in paragraph (4).

(4) The modifications are that for “an appropriate officer” in each place where it occurs, there is substituted, “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”.

(5) The production order or the 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.

(6) Section 348(1) to (4) of the Act (further provisions) has effect as if the production order were an English or Welsh production order.

(7) Section 350 of the Act (government departments) 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 section 345(4) of the Act) 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

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) the production order must be served as if the proceedings were civil proceedings started against the department in England and Wales.