



# Crime (Overseas Production Orders) Act 2019

## 2019 CHAPTER 5

### *Overseas production orders*

#### **1 Making of overseas production order on application**

- (1) A judge may, on an application by an appropriate officer, make an overseas production order against a person in respect of electronic data if each of the requirements for the making of the order is fulfilled (see section 4).
- (2) An application for an overseas production order must—
  - (a) specify the designated international co-operation arrangement by reference to which the application is made, and
  - (b) specify or describe the electronic data in respect of which the order is sought.
- (3) An appropriate officer applying for an overseas production order must not specify or describe in the application for the order electronic data that the appropriate officer has reasonable grounds for believing consists of or includes excepted electronic data.
- (4) An overseas production order is an order made under this Act that either—
  - (a) requires the person against whom the order is made to produce the electronic data specified or described in the order, or
  - (b) requires the person against whom the order is made to give access to the electronic data specified or described in the order.
- (5) In this Act “designated international co-operation arrangement” means a relevant treaty which—
  - (a) relates (in whole or in part) to the provision of mutual assistance in connection with the investigation or prosecution of offences, and
  - (b) is designated by the Secretary of State by regulations.
- (6) For the purposes of subsection (5) a treaty is a relevant treaty if a Minister of the Crown has laid before Parliament a copy of the treaty under section 20(1)(a) of the Constitutional Reform and Governance Act 2010.

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*Status: This is the original version (as it was originally enacted).*

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(“Treaty” and “Minister of the Crown” have the same meaning for the purposes of this section as they have for the purposes of Part 2 of that Act.)

(7) In this Act—

“appropriate officer” has the meaning given by section 2;

“electronic data” and “excepted electronic data” have the meanings given by section 3;

“judge” means—

- (a) in relation to England and Wales, a judge entitled to exercise the jurisdiction of the Crown Court;
- (b) in relation to Scotland, a judge of the High Court of Justiciary or the sheriff;
- (c) in relation to Northern Ireland, a Crown Court judge.