
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 Account Monitoring Orders

3.—(1) This article applies where a Northern Ireland account monitoring order is made in respect of a financial institution in England and Wales.

(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 an English or Welsh appropriate officer or a Northern Ireland 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 England and Wales.

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

(6) Paragraph 6(2) of Schedule 6A (effect of orders) has effect as if the order were an English or Welsh account monitoring order.

Scottish Account Monitoring Orders

4.—(1) This article applies where a Scottish account monitoring order is made in respect of a financial institution in England and Wales.

(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 an English or Welsh appropriate officer or a constable of the Police Service of Scotland serving the order personally,

and the Summary Jurisdiction (Process) Act 1881(1), 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 an English or Welsh appropriate officer, a constable of the Police Service of Scotland or an English or Welsh 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 England and Wales.

(5) Paragraph 7 of Schedule 6A (statements) applies to criminal proceedings brought in England and Wales 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 an English or Welsh account monitoring order.

Northern Ireland Disclosure Orders

5.—(1) Paragraphs (2) to (5) apply where a Northern Ireland appropriate officer gives a notice under a Northern Ireland disclosure order which requires a person in England and Wales to—

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

(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 England and Wales.

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

(5) Paragraph 13 of Schedule 5A (further provisions) applies as if the order were an English or Welsh disclosure order.

(6) Paragraph (7) applies where a Northern Ireland appropriate officer gives a notice under a Northern Ireland disclosure order which requires a person in England and Wales to—

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

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

Scottish Disclosure Orders

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

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

(2) Paragraph 21 of Schedule 5A (offences) does not apply and paragraph 11 of Schedule 5A (offences) applies as if the order were an English or Welsh disclosure order.

(3) Paragraph 22 of Schedule 5A (statements) applies in relation to criminal proceedings brought in England and Wales, 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 section 5 of the Perjury Act 1911”.

(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 an English or Welsh 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 England and Wales 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 an English or Welsh 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 England and Wales for an offence under paragraph 11(1) or (3) of Schedule 5A (offences).

Northern Ireland Explanation Orders

7.—(1) This article applies where a Northern Ireland explanation order requires a person in England and Wales 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 England and Wales.

(4) Paragraph 13(2) of Schedule 5 (explanations) applies as if the explanation order were an English or Welsh explanation order.

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

(6) Proceedings for an offence under paragraph 14 (explanations) of Schedule 5 may be brought in England and Wales.

Scottish Explanation Orders

8.—(1) This article applies where a Scottish explanation order requires a person in England and Wales 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 an English or Welsh appropriate officer or a constable of the Police Service of Scotland serving the order personally,

and the Summary Jurisdiction (Process) Act 1881, 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 England and Wales.

(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 an English or Welsh explanation order.

(5) In relation to criminal proceedings brought in England and Wales—

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

Northern Ireland Financial Information Orders

9.—(1) This article applies where a constable or counter-terrorism financial investigator of the Police Service of Northern Ireland requires a financial institution in England and Wales to provide customer information under a Northern Ireland 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 England and Wales as well as in Northern Ireland.

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

(4) Paragraph 1(2)(b) of Schedule 6 (orders) applies as if the order were an English or Welsh financial information order.

Scottish Financial Information Orders

10.—(1) This article applies where a constable of the Police Service of Scotland requires a financial institution in England and Wales 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 England and Wales as well as in Scotland.

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

(4) Paragraph 1(2)(b) of Schedule 6 (orders) applies as if the order were an English or Welsh financial information order.

Northern Ireland Further Information Orders

11.—(1) This article applies where a Northern Ireland further information order requires a person in England and Wales 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 an English or Welsh law enforcement officer or a Northern Ireland 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)(2) applies in relation to criminal proceedings brought in England and Wales as well as criminal proceedings brought in Northern Ireland

Scottish Further Information Orders

12.—(1) This article applies where a Scottish further information order requires a person in England and Wales 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 an English or Welsh law enforcement officer or a Scottish law enforcement officer serving the order personally,

and the Summary Jurisdiction (Process) Act 1881, 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 England and Wales as well as criminal proceedings brought in Scotland.

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 (1), 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.

(2) Section 22C is inserted by section 37 of the Criminal Finances Act 2017.

(3) Paragraph 5(3) of Schedule 5 (excluded and special procedure material: production & access)(3) 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)(4) 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)(5) 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 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.

Scottish Production Orders

14.—(1) This article applies where—

(a) a Scottish 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 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 an English or Welsh appropriate officer or a constable of the Police Service of Scotland serving the order personally,

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

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

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

and the Summary Jurisdiction (Process) Act 1881, 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 an English or Welsh appropriate officer, a constable of the Police Service of Scotland or an English or Welsh 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 modifications in paragraph (6).

(6) The modifications are that for “a named constable”, there is substituted “whichever of a named English or Welsh appropriate officer, a named constable of the Police Service of Scotland or a named English or Welsh 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 England and Wales.

(8) Paragraphs 25 (order for production of material) and 33(1) (supplementary) of Schedule 5 do not apply and paragraph 8 of Schedule 5 has effect as if the production order were an English or Welsh 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 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 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 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.