



# Crime (Overseas Production Orders) Act 2019

## 2019 CHAPTER 5

### *Overseas production orders*

#### **7 Variation or revocation of order**

- (1) A judge may, on an application by a person mentioned in subsection (2)—
  - (a) vary an overseas production order;
  - (b) revoke an overseas production order.
- (2) The persons who may apply are—
  - (a) the appropriate officer who applied for the order or an equivalent appropriate officer,
  - (b) any person affected by the order,
  - (c) in relation to England and Wales and Northern Ireland, the Secretary of State, and
  - (d) in relation to Scotland, the Lord Advocate or (if not otherwise able to apply by virtue of paragraph (a)) a procurator fiscal.
- (3) An application for the variation of 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 varied order is sought (which may include electronic data not specified or described in the original order).
- (4) A person applying for the variation of an overseas production order must not specify or describe in the application for the variation of the order electronic data that the person has reasonable grounds for believing consists of or includes excepted electronic data.
- (5) A judge may vary an overseas production order only if—
  - (a) the requirements in section 4(2) and (3) continue to be fulfilled,

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*Status: This is the original version (as it was originally enacted).*

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- (b) the requirements in section 4(4) to (7) are fulfilled in relation to the electronic data specified or described in the application for the variation of the order, and
  - (c) such additional requirements specified in regulations under section 4(1)(b) as are applicable—
    - (i) continue to be fulfilled, or
    - (ii) where they relate to electronic data specified or described in an application for an order, are fulfilled in relation to the electronic data specified or described in the application for the variation of the order.
- (6) Unless the context otherwise requires, references in this Act to an overseas production order include one that is varied under this section and accordingly, in the application of this Act in relation to the variation of an overseas production order—
- (a) references (however expressed) to an application for an overseas production order are to be read as references to the application for the variation of the order;
  - (b) references (however expressed) to the person against whom an overseas production order is sought are to be read as references to the person against whom the order was made;
  - (c) references (however expressed) to the making of an overseas production order are to be read as references to the variation of the order.
- (7) For the purpose of subsection (2)(a), an appropriate officer is an equivalent appropriate officer in relation to an application for the variation or revocation of an overseas production order if—
- (a) the appropriate officer falls within the same sub-paragraph of section 2(1)(a) or (b) as the appropriate officer who applied for the order, and
  - (b) where that sub-paragraph is sub-paragraph (vii) of section 2(1)(a) or sub-paragraph (v) of section 2(1)(b), the appropriate officer is of the same description as the appropriate officer who applied for the order.