

## SCHEDULES

### SCHEDULE 5

Section 51

#### OVERSEAS PRODUCTION ORDERS

1 The Crime (Overseas Production Orders) Act 2019 is amended as follows.

##### Commencement Information

**II** [Sch. 5 para. 1](#) in force at 28.6.2022, see [s. 208\(5\)\(d\)](#)

2 (1) Section 3 (meaning of “electronic data” and “excepted electronic data”) is amended as follows.

(2) In subsection (4), at the end insert “, other than communications data to which subsection (4A) applies”.

(3) After subsection (4) insert—

“(4A) This subsection applies to communications data which is comprised in, included as part of, attached to or logically associated with electronic data which, apart from this subsection, may be specified or described in the application for the overseas production order.”

##### Commencement Information

**I2** [Sch. 5 para. 2](#) in force at 28.6.2022, see [s. 208\(5\)\(d\)](#)

3 In section 5(3) (content of order: requirements fulfilled by reference to part only of data sought) for “4(5) or (7)” substitute “4(5), (6) or (7)”.

##### Commencement Information

**I3** [Sch. 5 para. 3](#) in force at 28.6.2022, see [s. 208\(5\)\(d\)](#)

4 (1) Section 9 (restrictions on service of order) is amended as follows.

(2) In subsection (2), after “the Secretary of State” insert “or a prescribed person”.

(3) In subsection (3), after “the Lord Advocate” insert “or a prescribed person”.

(4) In subsection (4)—

(a) for “The Secretary of State or, as the case may be, the Lord Advocate” substitute “A person”, and

(b) for “the Secretary of State or the Lord Advocate” substitute “that person”.

(5) After subsection (4) insert—

“(5) In this section “prescribed person”—

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*Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 5. (See end of Document for details)*

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- (a) in relation to an overseas production order made in England and Wales or Northern Ireland, means a person prescribed by regulations made by the Secretary of State;
- (b) in relation to an overseas production order made in Scotland, means a person prescribed by regulations made by the Lord Advocate.”

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**Commencement Information**

**I4** Sch. 5 para. 4 in force at 28.6.2022, see s. 208(5)(d)

- 5 (1) Section 14 (means of service) is amended as follows.
- (2) In subsection (3)(d)—
- (a) in sub-paragraph (i), after “the Secretary of State” insert “or a prescribed person”, and
  - (b) in sub-paragraph (ii), after “the Lord Advocate” insert “or a prescribed person”.
- (3) After subsection (5) insert—
- “(6) In this section “prescribed person”—
- (a) in relation to an order, notice or other document made or issued in England and Wales or Northern Ireland, means a person prescribed by regulations made by the Secretary of State;
  - (b) in relation to an order, notice or other document made or issued in Scotland, means a person prescribed by regulations made by the Lord Advocate.”

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**Commencement Information**

**I5** Sch. 5 para. 5 in force at 28.6.2022, see s. 208(5)(d)

- 6 In section 15(3) (modifications of section 9 in the case of an order made on application by the service police)—
- (a) in paragraph (g)—
    - (i) omit the “and” at the end of sub-paragraph (i), and
    - (ii) at the end of sub-paragraph (ii) insert “, and
    - (iii) subsection (5) defined “prescribed person” as a person prescribed by regulations made by the Secretary of State;”, and
  - (b) for paragraph (h) substitute—
    - “(h) section 14 is to be read as if—
    - (i) the reference in subsection (1)(c) to a court in England and Wales, Scotland or Northern Ireland included the Court Martial,
    - (ii) subsection (3)(d) referred only to arrangements made by the Secretary of State or a prescribed person, and

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 5. (See end of Document for details)

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- (iii) subsection (6) defined “prescribed person” as a person prescribed by regulations made by the Secretary of State.”

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**Commencement Information**

**I6** Sch. 5 para. 6 in force at 28.6.2022, see s. 208(5)(d)

- 7 (1) Section 17 (regulations) is amended as follows.
- (2) In subsection (2), for “or 4(1)(b)” substitute “, 4(1)(b), 9(5) or 14(6)”.
- (3) After subsection (5) insert—
- “(6) Regulations made by the Lord Advocate under section 9(5) or 14(6) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).”

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**Commencement Information**

**I7** Sch. 5 para. 7 in force at 28.6.2022, see s. 208(5)(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 5.