
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

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,

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.