
STATUTORY INSTRUMENTS

2018 No. 521

The Terrorism Act 2000 (Enforcement in Different Parts of the United Kingdom) Order 2018

PART 4

Enforcement in Scotland of English or Welsh Orders and Northern Ireland Orders

English or Welsh Production Orders

37.—(1) This article applies where—

- (a) an English or Welsh production order requires a person in Scotland in possession or control of material in Scotland to produce the material or give access to the material; or
- (b) an order to grant entry to premises in Scotland is made in respect of an English or Welsh production order under paragraph 5(5) of Schedule 5 (excluded and special procedure material: production & access).

(2) 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 a constable of the Police Service of Scotland or an English or Welsh 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) Paragraph 5(3) of Schedule 5 (excluded and special procedure material: production & access) 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 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 5(5) of Schedule 5 (excluded and special procedure material: production & access) 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) 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 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”.

(9) The sheriff is to be regarded, for the purpose of enforcing the production order, as having made the order and proceedings for or with respect to any failure to comply with the order may be taken by the sheriff accordingly.

(10) Paragraph 8 of Schedule 5 (excluded and special procedure material: production & access) does not apply and paragraphs 25 (order for production of material) and 33(1) (supplementary) of Schedule 5 have effect as if the production order were a Scottish production order.

(11) Paragraph 9 of Schedule 5 (excluded and special procedure material: production & access) does not apply and paragraph 26 of Schedule 5 (order for production of material: production & access) has effect as if the production order were a Scottish 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 the sheriff; and
- (b) the production order must be served as if the proceedings were civil proceedings started against the government department in Scotland.