
STATUTORY INSTRUMENTS

2019 No. 1318 (C. 43)

CRIMINAL LAW

**The Crime (Overseas Production Orders) Act
2019 (Commencement No. 1) Regulations 2019**

Made - - - - 8th October 2019

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 20(1) and (2) of the Crime (Overseas Production Orders) Act 2019⁽¹⁾.

Citation and interpretation

1.—(1) These Regulations may be cited as the Crime (Overseas Production Orders) Act 2019 (Commencement No. 1) Regulations 2019.

(2) In these Regulations, the “2019 Act” means the Crime (Overseas Production Orders) Act 2019.

Provisions of the 2019 Act coming into force on 9th October 2019

2.—(1) The following provisions of the 2019 Act come into force on 9th October 2019—

- (a) section 1(5) and (6) (definition of designated international co-operation arrangement);
- (b) section 15 (application of Act to service police);
- (c) section 16 (designation of international agreements for purposes of section 52 of the Investigatory Powers Act 2016⁽²⁾).

(2) So far as they extend to England and Wales and Scotland, the following provisions of the 2019 Act come into force on 9th October 2019—

- (a) section 1(1) to (4) and (7) (making of overseas production order on application);
- (b) section 2 (appropriate officers);
- (c) section 3 (meaning of “electronic data” and “excepted electronic data”);
- (d) section 4 (requirements for making of order);
- (e) section 5 (contents of order);
- (f) section 6 (effect of order);
- (g) section 7 (variation or revocation of order);

(1) 2019 c. 5.

(2) 2016 c. 25; section 52 was amended by section 16 of the Crime Overseas Production Orders Act 2019 (c. 5).

- (h) section 8 (inclusion of non-disclosure requirement in order);
- (i) section 9 (restrictions on service of order);
- (j) section 10 (retention of electronic data and use as evidence);
- (k) section 11 (procedural matters);
- (l) section 12 (notice of application for order: journalistic data);
- (m) section 13 (effect of notice of application);
- (n) section 14 (means of service).

(3) So far as they extend to Northern Ireland, the provisions listed in paragraph (2) come into force on 9th October 2019 but only—

- (a) to the extent that those provisions apply, by virtue of section 15(2) of the 2019 Act, in relation to an application under section 15(1) of the 2019 Act and an overseas production order made under that section;
- (b) for the purpose of making rules of court under section 11(1) of the 2019 Act (power to make rules of court) which make provision as to the practice and procedure to be followed in connection with proceedings relating to an overseas production order made under section 15(1) of the 2019 Act.

8th October 2019

Brandon Lewis
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first commencement regulations made under the Crime (Overseas Production Orders) Act 2019 (c. 5) (“the 2019 Act”).

Sections 17 to 21 (provisions dealing with the making of regulations, interpretation, extent, commencement and the short title) came into force on Royal Assent.

Regulation 2(1)(a) brings into force section 1(5) and (6). This will permit the Secretary of State to make regulations with UK-wide extent designating an international co-operation arrangement for the purposes of the 2019 Act. Although designation of an international co-operation arrangement under section 1(5) is a pre-condition for making an overseas production order under the 2019 Act, designation regulations made under that section would have no practical effect in relation to devolved matters in Northern Ireland until the remaining substantive provisions of the 2019 Act, listed in regulation 2(2), are brought into force for that jurisdiction for all remaining purposes. This is in recognition of the commitment made during the passage of the 2019 Act not to commence, for Northern Ireland, provisions of the Act within the Northern Ireland Assembly’s competence until a restored Northern Ireland Executive had been able to consider the matter further.

Regulation 2(1)(b), taken with regulation 2(3), brings into force the provisions of the 2019 Act necessary to enable applications for overseas production orders to be made by service police across the whole of the United Kingdom.

Regulation 2(1)(c) brings into force section 16. This ensures that the amendments made by section 16 of the 2019 Act to section 52 of the Investigatory Powers Act 2016 (c. 25) (interception in accordance with overseas requests) will have the same extent as that Act.

Regulation 2(2) brings into force, for England and Wales and Scotland, all other substantive provisions of the 2019 Act which relate to the process for applying for, making, and serving an overseas production order.