
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for orders made under the Terrorism Act 2000 (c. 11) (“the Act”) in one part of the United Kingdom to be enforced in another part of the United Kingdom. The Act provides for various orders to be issued in relation to a terrorist investigation.

Part 2 makes provision for orders made or issued in Northern Ireland or Scotland to be enforced in England and Wales.

Articles 3 and 4 make provision for the enforcement in England and Wales of account monitoring orders made in Scotland or Northern Ireland for the purposes of a terrorist investigation. The order may be enforced by the authorities in England and Wales, or the authorities of the jurisdiction which made the order, or by the authorities of both jurisdictions acting together. The English law as to exclusions applies. The order has effect as an order of the Crown Court in England and Wales so that contempt proceedings can be brought for non-compliance.

Articles 5 and 6 make provision for the enforcement in England and Wales of disclosure orders made in Northern Ireland or Scotland for the purposes of a terrorist financing investigation. Two regimes apply. The first regime deals with the situation where an officer travels to England and Wales to execute the disclosure order. In this case, the English law as to exclusions from the disclosure order applies, if the disclosure order is breached then the offender commits an offence under English law. The second regime deals with the situation where an officer requires a person in England and Wales to travel to the jurisdiction in which he is situated in order to execute a disclosure order. In this case, the law of the jurisdiction in which the officer is situated applies but a person who fails to comply commits an offence under English law, as well as the law of that jurisdiction.

Articles 7 and 8 make provision for the enforcement in England and Wales of explanation orders made in Northern Ireland or Scotland for the purposes of a terrorist investigation.

Articles 9 and 10 make provision for the enforcement in England and Wales of financial information orders made in Northern Ireland or Scotland for the purposes of a terrorist investigation. The English law as to exclusions applies and if the financial information order is breached then the offender commits an offence under English law, as well as the law of the jurisdiction in which the order was made.

Articles 11 and 12 make provision for the enforcement in England and Wales of further information orders made in Northern Ireland or Scotland for the purposes of a terrorist investigation.

Articles 13 and 14 make provision for the enforcement in England and Wales of production orders made in Northern Ireland or Scotland for the purposes of a terrorist investigation. The order may be enforced by the authorities in England and Wales, or the authorities of the jurisdiction which made the order, or by the authorities of both jurisdictions acting together. The rules for England and Wales as to material which does not need to be produced in relation to production orders apply. The order has effect as an order of the Crown Court in England and Wales so that contempt proceedings can be brought for non-compliance.

Part 3 makes corresponding provision for orders made or issued in England and Wales or Scotland to be enforced in Northern Ireland.

Part 4 makes corresponding provision for orders made or issued in England and Wales or Northern Ireland to be enforced in Scotland.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A full impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.