STATUTORY INSTRUMENTS

2018 No. 521

PREVENTION AND SUPPRESSION OF TERRORISM

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

Made - - - -	*24th April 2018*
Laid before Parliament	*1st May 2018*
Coming into force - -	*1st June 2018*

At the Court at Windsor Castle, the 24th day of April 2018

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 120C(1), (3)(a) and (4)(a) of the Terrorism Act 2000(**1**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows.

PART 1

Introduction

Citation and commencement

1. This Order may be cited as the Terrorism Act 2000 (Enforcement in Different Parts of the United Kingdom) Order 2018 and comes into force on 1st June 2018.

Interpretation

2.—(1) In this Order—

"English or Welsh account monitoring order" means an order made in England and Wales under paragraph 2 of Schedule 6A (account monitoring orders)(**2**);

"English or Welsh appropriate officer" means—

(**1**) 2000 c. 11. Section 120C is inserted by section 43 of the Criminal Finances Act 2017 (c. 22).
(**2**) Schedule 6A is inserted by paragraph 1(3) of Schedule 2 to the Anti-terrorism, Crime and Security Act 2001 (c. 24)

(a) in relation to an account monitoring order, an English or Welsh police officer or counter-terrorism financial investigator;

(b) in relation to a disclosure order, an English or Welsh constable or counter-terrorism financial investigator;

(c) in relation to a production order, an English or Welsh constable or counter-terrorism financial investigator;

"English or Welsh disclosure order" means an order made in England and Wales under paragraph 9 of Schedule 5A (disclosure orders)(**3**);

"English or Welsh explanation order" means an order made in England and Wales under paragraph 13(1)(b) of Schedule 5 (explanations);

"English or Welsh financial information order" means an order made in England and Wales under paragraph 1 of Schedule 6 (orders);

"English or Welsh further information order" means an order made in England and Wales under section 22B (further information orders)(**4**);

"English or Welsh law enforcement officer" means, in relation to a further information order, a constable or counter-terrorism financial investigator of a police force in England or Wales or a National Crime Agency officer authorised by the Director General of that Agency;

"English or Welsh production order" means an order made in England and Wales in connection with a terrorist investigation in relation to terrorist property under paragraph 5 of Schedule 5 (excluded and special procedure material: production & access);

"Northern Ireland account monitoring order" means an order made in Northern Ireland under paragraph 2 of Schedule 6A (account monitoring orders);

"Northern Ireland appropriate officer" means—

(a) in relation to a production order a constable or counter-terrorism financial investigator of the Police Service of Northern Ireland;

(b) in relation to a disclosure order, a constable or counter-terrorism financial investigator of the Police Service of Northern Ireland;

(c) in relation to account monitoring orders, a police officer or counter-terrorism financial investigator of the Police Service of Northern Ireland;

"Northern Ireland disclosure order" means an order made in Northern Ireland under paragraph 9 of Schedule 5A (disclosure orders);

"Northern Ireland explanation order" means an order made in Northern Ireland under paragraph 13(1)(b) of Schedule 5 (explanations);

"Northern Ireland financial information order" means an order made in Northern Ireland under paragraph 1 of Schedule 6 (orders);

"Northern Ireland further information order" means an order made in Northern Ireland under section 22B (further information orders);

"Northern Ireland law enforcement officer" means, in relation to a further information order, a constable or counter-terrorism financial investigator of the Police Service of Northern Ireland or a National Crime Agency officer authorised by the Director General of that Agency;

"Northern Ireland production order" means an order made in Northern Ireland in connection with a terrorist investigation in relation to terrorist property under paragraph 5 of Schedule 5 (excluded and special procedure material: production & access);

(**3**) Schedule 5A is inserted by paragraphs 3 and 4 of Schedule 2 to the Criminal Finances Act 2017.
(**4**) Section 22B is inserted by section 37 of the Criminal Finances Act 2017.

"Scottish account monitoring order" means an order made in Scotland under paragraph 2 of Schedule 6A (account monitoring orders);

"Scottish disclosure order" means an order made in Scotland under paragraph 19 of Schedule 5A (disclosure orders);

"Scottish explanation order" means an order made in Scotland under paragraph 30(1)(b) of Schedule 5 (explanations);

"Scottish financial information order" means an order made in Scotland under paragraph 1 of Schedule 6 (orders);

"Scottish further information order" means an order made in Scotland under section 22B (further information orders);

"Scottish law enforcement officer" means, in relation to further information orders, a constable of the Police Service of Scotland or a National Crime Agency officer authorised by the Director General of that Agency;

"Scottish production order" means an order made in Scotland in connection with a terrorist investigation in relation to terrorist property under paragraph 22 of Schedule 5 (order for production of material).

(2) References in this Order to a section or Schedule are to a section of, or Schedule to, the Terrorism Act 2000 unless the context otherwise requires.

PART 2

Enforcement in England and Wales of Northern Ireland Orders and Scottish Orders

Northern Ireland Account Monitoring Orders

3.—(1) This article applies where a Northern Ireland account monitoring order is made in respect of a financial institution in England and Wales.

(2) The account monitoring 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 Northern Ireland appropriate officer serving the order personally,

and any rules of court (other than rules of court made by virtue of section 120C) as to the service of documents and any other requirements in law as to the service of documents do not apply.

(3) Paragraph 2(4) of Schedule 6A (account monitoring orders) has effect with the modification that for "an appropriate officer" there is substituted "whichever of an English or Welsh appropriate officer, a Northern Ireland appropriate officer or an English or Welsh appropriate officer and Northern Ireland appropriate officer acting together the order specifies".

(4) The account monitoring order has effect as if it were an order of the Crown Court in England and Wales.

(5) Paragraph 7 of Schedule 6A (statements) applies to criminal proceedings brought in England and Wales as well as criminal proceedings brought in Northern Ireland.

(6) Paragraph 6(2) of Schedule 6A (effect of orders) has effect as if the order were an English or Welsh account monitoring order.

Scottish Account Monitoring Orders

4.—(1) This article applies where a Scottish account monitoring order is made in respect of a financial institution in England and Wales.

(2) The account monitoring 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(**5**), 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 2(4) of Schedule 6A (account monitoring orders) has effect with the modification that for "an appropriate officer" there is substituted "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".

(4) The account monitoring order has effect as if it were an order of the Crown Court in England and Wales.

(5) Paragraph 7 of Schedule 6A (statements) applies to criminal proceedings brought in England and Wales as well as criminal proceedings brought in Scotland.

(6) Paragraph 6(2) of Schedule 6A (effect of orders) has effect as if the order were an English or Welsh account monitoring order.

Northern Ireland Disclosure Orders

5.—(1) Paragraphs (2) to (5) apply where a Northern Ireland appropriate officer gives a notice under a Northern Ireland disclosure order which requires a person in England and Wales to—

(a) answer questions in England and Wales; or

(b) provide information or produce documents in England and Wales.

(2) Paragraph 9(3) of Schedule 5A (disclosure orders) has effect with the modification that for "an appropriate officer" there is substituted "whichever of an English or Welsh appropriate officer, a Northern Ireland appropriate officer or an English or Welsh appropriate officer and Northern Ireland appropriate officer acting together the order specifies".

(3) Proceedings for an offence under paragraph 11 of Schedule 5A (offences) may be brought in England and Wales.

(4) Paragraph 12 of Schedule 5A (statements) applies in relation to criminal proceedings brought in England and Wales as well as criminal proceedings brought in Northern Ireland.

(5) Paragraph 13 of Schedule 5A (further provisions) applies as if the order were an English or Welsh disclosure order.

(6) Paragraph (7) applies where a Northern Ireland appropriate officer gives a notice under a Northern Ireland disclosure order which requires a person in England and Wales to—

(a) answer questions in Northern Ireland; or

(b) provide information or produce documents in Northern Ireland.

(7) Proceedings for an offence under paragraph 11 of Schedule 5A (offences) may be brought in England and Wales as well as in Northern Ireland.

(**5**) 1881 c. 24.

Scottish Disclosure Orders

6.—(1) Paragraphs (2) to (6) apply where the Lord Advocate gives a notice under a Scottish disclosure order which requires a person in England and Wales to—

(a) answer questions in England and Wales; or

(b) provide information or produce documents in England and Wales.

(2) Paragraph 21 of Schedule 5A (offences) does not apply and paragraph 11 of Schedule 5A (offences) applies as if the order were an English or Welsh disclosure order.

(3) Paragraph 22 of Schedule 5A (statements) applies in relation to criminal proceedings brought in England and Wales, as well as criminal proceedings brought in Scotland, with the modifications in paragraph (4).

(4) The modifications are that in sub-paragraph (2)—

(a) in paragraph (a), after "paragraph 21(1) or (3)" there is inserted "or an offence under paragraph 11(1) or (3)";

(b) in paragraph (b), after "perjury" there is inserted "or an offence under section 5 of the Perjury Act 1911".

(5) Paragraph 23 of Schedule 5A (further provisions) does not apply and paragraph 13 of Schedule 5A (further provisions) applies as if the order were an English or Welsh disclosure order, with the modifications in paragraph (6).

(6) The modifications are that—

(a) in sub-paragraph (5), for "An appropriate officer" there is substituted "The Lord Advocate"; and

(b) in sub-paragraph (7), for "an appropriate officer" there is substituted "the Lord Advocate".

(7) Paragraphs (8) and (9) apply where the Lord Advocate gives a notice under a Scottish disclosure order which requires a person in England and Wales to—

(a) answer questions in Scotland; or

(b) provide information or produce documents in Scotland.

(8) Paragraph 11 of Schedule 5A (offences) applies as if the order were an English or Welsh disclosure order, as well as paragraph 21 of Schedule 5A (offences) and, for the avoidance of doubt, paragraph 13 of Schedule 5A (further provisions) does not apply in determining whether the person has committed an offence under paragraph 11(1) or (3) of Schedule 5A (offences).

(9) Paragraph 22 of Schedule 5A (statements) does not prevent a statement made by the person in response to a requirement imposed by the notice from being used in evidence on a prosecution in England and Wales for an offence under paragraph 11(1) or (3) of Schedule 5A (offences).

Northern Ireland Explanation Orders

7.—(1) This article applies where a Northern Ireland explanation order requires a person in England and Wales to provide an explanation of any material produced or made available under paragraph 5 of Schedule 5 (excluded and special procedure material: production & access).

(2) The explanation 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 Northern Ireland 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.