



# Crime (Overseas Production Orders) Act 2019

## 2019 CHAPTER 5

### *Supplementary*

#### **15 Application of Act to service police**

- (1) A judge advocate may, on an application by a member of a service police force, make an overseas production order against a person in respect of electronic data if each of the requirements for the making of the order is fulfilled (see section 4).
- (2) This Act applies in relation to an application under subsection (1) and an overseas production order made under that subsection as it applies in relation to an application made to a judge by an appropriate officer under section 1(1) and an overseas production order made under that section.
- (3) For the purposes of subsection (2) (and unless the context otherwise requires)—
  - (a) references to a judge are to be read as references to a judge advocate;
  - (b) references to an appropriate officer are to be read as references to a member of a service police force;
  - [<sup>F1</sup>(c) references to an equivalent appropriate officer are to be read as follows—
    - (i) where the person who applied for the order or, as the case may be, made the application (“the applicant”) was a member of the tri-service serious crime unit, as references to a member of that unit;
    - (ii) in any other case, as references to a member of the same service police force as the applicant who is not a member of that unit.]
  - (d) in section 3, “item subject to legal privilege” is to have the same meaning as in the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
  - (e) the reference in sections 4(3)(a) and 12(4)(a) to an indictable offence is to be read as a reference to an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales is an indictable offence;

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*Changes to legislation:* There are currently no known outstanding effects for the Crime (Overseas Production Orders) Act 2019, Section 15. (See end of Document for details)

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- (f) section 7(2) is to be read as if paragraphs (c) and (d) were replaced with a new paragraph (c) referring to the Secretary of State;
  - (g) section 9 is to be read as if—
    - (i) the reference in subsection (2) to an overseas production order made in England and Wales or Northern Ireland were a reference to an overseas production order made by a judge advocate, <sup>F2</sup>...
    - (ii) subsection (3) were omitted [<sup>F3</sup>, and
    - (iii) subsection (5) defined “prescribed person” as a person prescribed by regulations made by the Secretary of State;]
  - [<sup>F4</sup>(h) section 14 is to be read as if—
    - (i) the reference in subsection (1)(c) to a court in England and Wales, Scotland or Northern Ireland included the Court Martial,
    - (ii) subsection (3)(d) referred only to arrangements made by the Secretary of State or a prescribed person, and
    - (iii) subsection (6) defined “prescribed person” as a person prescribed by regulations made by the Secretary of State.]
- (4) If a person (whether the person is in the United Kingdom or outside it) fails to comply with an order made under this Act by a judge advocate, the Court Martial may certify the failure to the High Court in England and Wales.
- (5) The High Court—
- (a) may inquire into the matter, and
  - (b) must hear—
    - (i) any witness who may be produced against or on behalf of the person alleged to have failed to comply with the order, and
    - (ii) any statement that may be offered in defence.
- (6) Having acted in accordance with subsection (5), the High Court may deal with the person in any way in which it could deal with the person if the failure had been a failure to comply with an order of that court.
- (7) In this section—
- “judge advocate” has the same meaning as in the Armed Forces Act 2006 (see section 362 of that Act);
  - “service police force” means—
    - (a) the Royal Navy Police,
    - (b) the Royal Military Police, or
    - (c) the Royal Air Force Police.
  - [<sup>F5</sup>“tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.]

#### Textual Amendments

- F1** S. 15(3)(c) substituted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 51(2)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F2** Word in s. 15(3)(g)(i) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(d), **Sch. 5 para. 6(a)(i)**
- F3** S. 15(3)(g)(iii) and word inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(d), **Sch. 5 para. 6(a)(ii)**

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**Changes to legislation:** There are currently no known outstanding effects for the Crime (Overseas Production Orders) Act 2019, Section 15. (See end of Document for details)

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- F4** S. 15(3)(h) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5) (d), **Sch. 5 para. 6(b)**
- F5** Words in s. 15(7) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 51(3)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4

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**Commencement Information**

- I1** S. 15 in force at 9.10.2019 by S.I. 2019/1318, **reg. 2(1)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Crime (Overseas Production Orders) Act 2019, Section 15.