

Status: Point in time view as at 04/05/2007.

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SCHEDULES

SCHEDULE 5

Section 82

PERSONS SPECIFIED FOR THE PURPOSES OF SECTION 82

- 1 A person who is or might be, or who has been, a witness in legal proceedings (whether or not in the United Kingdom).

Commencement Information

- I1** Sch. 5 para. 1 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)
I2 Sch. 5 para. 1 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)

- 2 A person who has complied with a disclosure notice given to him by virtue of section 62(1).

Commencement Information

- I3** Sch. 5 para. 2 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)
I4 Sch. 5 para. 2 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

- 3 (1) A person who has been given an immunity notice under section 71(1) if the notice continues to have effect in relation to him.
(2) A person who has been given a restricted use undertaking under section 72(1) if the undertaking continues to have effect in relation to him.

Commencement Information

- I5** Sch. 5 para. 3 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)
I6 Sch. 5 para. 3 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

- 4 A person who is or has been a member of a jury.

Commencement Information

- I7** Sch. 5 para. 4 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)
I8 Sch. 5 para. 4 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)

- 5 A person who holds or has held judicial office (whether or not in the United Kingdom).

Commencement Information

- I9** Sch. 5 para. 5 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

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I10 Sch. 5 para. 5 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

6 A person who is or has been a justice of the peace or who holds or has held a position comparable to that of a justice of the peace in a place outside the United Kingdom.

Commencement Information

I11 Sch. 5 para. 6 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

I12 Sch. 5 para. 6 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**

7 A person who is or has been a member of an international tribunal which has jurisdiction in criminal matters.

Commencement Information

I13 Sch. 5 para. 7 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

I14 Sch. 5 para. 7 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**

8 A person who conducts or has conducted criminal prosecutions (whether or not in the United Kingdom).

Commencement Information

I15 Sch. 5 para. 8 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**

I16 Sch. 5 para. 8 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

9 (1) A person who is or has been the Director of Public Prosecutions for England and Wales.

(2) A person who is or has been a member of staff of the Crown Prosecution Service for England and Wales.

Commencement Information

I17 Sch. 5 para. 9 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**

I18 Sch. 5 para. 9 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

10 (1) A person who is or has been the Director or deputy Director of Public Prosecutions for Northern Ireland.

(2) A person who is or has been a person appointed under Article 4(3) of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I.1)) to assist the Director of Public Prosecutions for Northern Ireland.

Commencement Information

I19 Sch. 5 para. 10 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**

I20 Sch. 5 para. 10 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

11 A person who is or has been under the direction and control of the Lord Advocate in the Lord Advocate's capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland.

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Commencement Information

- I21** Sch. 5 para. 11 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**
I22 Sch. 5 para. 11 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 12 (1) A person who is or has been the Director of Revenue and Customs Prosecutions.
(2) A person who is or has been a member of staff of the Revenue and Customs Prosecutions Office.

Commencement Information

- I23** Sch. 5 para. 12 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**
I24 Sch. 5 para. 12 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 13 A person who is or has been a constable.

Commencement Information

- I25** Sch. 5 para. 13 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**
I26 Sch. 5 para. 13 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 14 A person who is or has been designated under—
(a) section 38(1) of the Police Reform Act 2002 (c. 30) (police powers for police authority employees);
(b) section 30(1) of the Police (Northern Ireland) Act 2003 (c. 6) (police powers for designated police support staff).

Commencement Information

- I27** Sch. 5 para. 14 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**
I28 Sch. 5 para. 14 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 15 A person who is a police custody and security officer (within the meaning of section 9(1A) of the Police (Scotland) Act 1967 (c. 77)) of a police authority in Scotland.

Commencement Information

- I29** Sch. 5 para. 15 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**
I30 Sch. 5 para. 15 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**

- 16 A person who—
(a) is or has been an officer of Revenue and Customs;
(b) is or has been a member of staff of Her Majesty's Customs and Excise.

Commencement Information

- I31** Sch. 5 para. 16 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**
I32 Sch. 5 para. 16 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**

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- 17 A person who is or has been a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971 (c. 77).

Commencement Information

- I33** Sch. 5 para. 17 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**
I34 Sch. 5 para. 17 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 18 A person who is or has been a member of staff of SOCA.

Commencement Information

- I35** Sch. 5 para. 18 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**
I36 Sch. 5 para. 18 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**

- 19 (1) A person who is or has been the Director General of the National Criminal Intelligence Service or the Director General of the National Crime Squad.
 (2) A person who is or has been under the direction and control of the Director General of the National Criminal Intelligence Service or the Director General of the National Crime Squad.

Commencement Information

- I37** Sch. 5 para. 19 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**
I38 Sch. 5 para. 19 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 20 (1) A person who ^{F1}... has been the Director of the [^{F2}organisation known as the Scottish Drug Enforcement Agency and established under section 36(1)(a)(ii) of the Police (Scotland) Act 1967 (c. 77), that is to say a person who was engaged on central service (as defined by section 38(5) of that Act) and was appointed by the Scottish Ministers to exercise control in relation to the activities carried out in exercise of that organisation's functions].
 (2) A person who ^{F3}... has been under the direction and control of the Director of the Scottish Drug Enforcement Agency.

Textual Amendments

- F1** Words in Sch. 5 para. 20(1) repealed (S.) (1.4.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **Sch. 6 para. 13(11)(a)(i)**; S.S.I. 2007/84, art. 3(3) and words repealed (E.W.N.I.) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 6(12)(a)(i)**
F2 Words in Sch. 5 para. 20(1) substituted (S.) (1.4.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **Sch. 6 para. 13(11)(a)(i)**; S.S.I. 2007/84, art. 3(3) and words substituted (E.W.N.I.) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 6(12)(a)(ii)**
F3 Words in Sch. 5 para. 20(2) repealed (S.) (1.4.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **Sch. 6 para. 13(11)(a)(ii)**; S.S.I. 2007/84, art. 3(3) and words repealed (E.W.N.I.) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 6(12)(b)**

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Commencement Information

I39 Sch. 5 para. 20 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

I40 Sch. 5 para. 20 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

[^{F4}20A(1) A person who is or has been the Director General of the Scottish Crime and Drug Enforcement Agency.

(2) A person who is or has been under the direction and control of the Director General of the Scottish Crime and Drug Enforcement Agency.]

Textual Amendments

F4 Sch. 5 para. 20A inserted (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), s. 104\(1\), Sch. 6 para. 13\(11\)\(b\)](#); [S.S.I. 2007/84, art. 3\(3\)](#) and inserted (E.W.N.I.) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\), art. 1\(3\), Sch. para. 6\(13\)](#)

21 (1) A person who is or has been the Director of the Assets Recovery Agency.

(2) A person who is or has been a member of staff of the Assets Recovery Agency or a person with whom the Director of that Agency has made arrangements for the provision of services under section 1(4) of the Proceeds of Crime Act 2002 (c. 29).

Commencement Information

I41 Sch. 5 para. 21 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

I42 Sch. 5 para. 21 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

22 (1) A person who is or has been the head of the Civil Recovery Unit, that is to say of the organisation known by that name which acts on behalf of the Scottish Ministers in proceedings under Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc. of unlawful conduct).

(2) A person who is or has been a member of staff of the Civil Recovery Unit.

Commencement Information

I43 Sch. 5 para. 22 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

I44 Sch. 5 para. 22 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

23 (1) A person who is or has been a person appointed by virtue of section 246(1) of the Proceeds of Crime Act 2002 (c. 29) as an interim receiver.

(2) A person who assists or has assisted an interim receiver so appointed in the exercise of such functions as are mentioned in section 247 of that Act.

Commencement Information

I45 Sch. 5 para. 23 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

I46 Sch. 5 para. 23 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

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- 24 (1) A person who is or has been a person appointed by virtue of section 256(1) of the Proceeds of Crime Act 2002 as an interim administrator.
- (2) A person who assists or has assisted an interim administrator so appointed in the exercise of such functions as are mentioned in section 257 of that Act.

Commencement Information

I47 Sch. 5 para. 24 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

I48 Sch. 5 para. 24 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

- 25 (1) A person who is or has been the head of the Financial Crime Unit, that is to say of the organisation known by that name which, among other activities, acts on behalf of the Lord Advocate in proceedings under Part 3 of the Proceeds of Crime Act 2002 (confiscation: Scotland).
- (2) A person who is or has been a member of staff of the Financial Crime Unit.

Commencement Information

I49 Sch. 5 para. 25 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

I50 Sch. 5 para. 25 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

- 26 A person who is or has been a prison officer.

Commencement Information

I51 Sch. 5 para. 26 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

I52 Sch. 5 para. 26 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

- 27 A person who is or has been a covert human intelligence source (within the meaning of section 26(8) of the Regulation of Investigatory Powers Act 2000 (c. 23) or of section 1(7) of the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)).

Commencement Information

I53 Sch. 5 para. 27 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

I54 Sch. 5 para. 27 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

- 28 A person—
- (a) who is a member of the family of a person specified in any of the preceding paragraphs;
 - (b) who lives or has lived in the same household as a person so specified;
 - (c) who has or has had a close personal relationship with a person so specified.

Commencement Information

I55 Sch. 5 para. 28 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

I56 Sch. 5 para. 28 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

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