



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 2

#### INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

#### CHAPTER 1

#### INVESTIGATORY POWERS OF DPP, ETC.

#### *Disclosure notices*

#### **64 Restrictions on requiring information etc.**

- (1) A person may not be required under section 62 or 63—
  - (a) to answer any privileged question,
  - (b) to provide any privileged information, or
  - (c) to produce any privileged document,except that a lawyer may be required to provide the name and address of a client of his.
- (2) A “privileged question” is a question which the person would be entitled to refuse to answer on grounds of legal professional privilege in proceedings in the High Court.
- (3) “Privileged information” is information which the person would be entitled to refuse to provide on grounds of legal professional privilege in such proceedings.
- (4) A “privileged document” is a document which the person would be entitled to refuse to produce on grounds of legal professional privilege in such proceedings.
- (5) A person may not be required under section 62 to produce any excluded material (as defined by section 11 of the Police and Criminal Evidence Act 1984 (c. 60) [<sup>F</sup>or, in

*Status: Point in time view as at 01/03/2017.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Section 64 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

relation to Northern Ireland, Article 13 of the Police and Criminal Evidence (Northern Ireland) Order 1989]).

- (6) In the application of this section to Scotland—
- (a) subsections (1) to (5) do not have effect, but
  - (b) a person may not be required under section 62 or 63 to answer any question, provide any information or produce any document which he would be entitled, on grounds of legal privilege, to refuse to answer or (as the case may be) provide or produce.
- (7) In subsection (6)(b), “legal privilege” has the meaning given by section 412 of the Proceeds of Crime Act 2002 (c. 29).
- (8) A person may not be required under section 62 or 63 to disclose any information or produce any document in respect of which he owes an obligation of confidence by virtue of carrying on any banking business, unless—
- (a) the person to whom the obligation of confidence is owed consents to the disclosure or production, or
  - (b) the requirement is made by, or in accordance with a specific authorisation given by, the Investigating Authority.
- (9) Subject to the preceding provisions, any requirement under section 62 or 63 has effect despite any restriction on disclosure (however imposed).

#### **Textual Amendments**

- F1** Words in s. 64(5) inserted (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), s. 31(3), [Sch. 3 para. 5](#); S.I. 2006/2966, art. 3

#### **Modifications etc. (not altering text)**

- C1** Ss. 60-67 extended (Northern Ireland) (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), [ss. 26\(1\)](#), 31(3); S.I. 2006/2966, art. 3

#### **Commencement Information**

- I1** S. 64 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, [art. 5\(1\)](#)
- I2** S. 64 in force at 1.4.2006 for S. by S.I. 2006/166, [art. 2\(1\)\(a\)](#)

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