



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

65 Restrictions on use of statements

- (1) A statement made by a person in response to a requirement imposed under section 62 or 63 (“the relevant statement”) may not be used in evidence against him in any criminal proceedings unless subsection (2) or (3) applies.
- (2) This subsection applies where the person is being prosecuted—
 - (a) for an offence under section 67 of this Act, or
 - (b) for an offence under section 5 of the Perjury Act 1911 (c. 6) (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath), or
 - (c) for an offence under [^{F1}section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)] (false statutory declarations and other false statements without oath) or at common law for an offence of attempting to pervert the course, or defeat the ends, of justice^{F2}, or
 - (d) for an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).]

Changes to legislation: *Serious Organised Crime and Police Act 2005, Section 65 is up to date with all changes known to be in force on or before 31 May 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) View outstanding changes*

- (3) This subsection applies where the person is being prosecuted for some other offence and—
- (a) the person, when giving evidence in the proceedings, makes a statement inconsistent with the relevant statement, and
 - (b) in the proceedings evidence relating to the relevant statement is adduced, or a question about it is asked, by or on behalf of the person.

Textual Amendments

- F1** Words in s. 65(2)(c) substituted (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 7 para. 77](#); S.I. 2011/178, art. 2, Sch.
- F2** S. 65(2)(d) and preceding word inserted (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), s. 31(3), [Sch. 3 para. 6](#); S.I. 2006/2966, art. 3
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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
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Commencement Information

- I1** S. 65 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. 65 in force at 1.4.2006 for S. by S.I. 2006/166, [art. 2\(1\)\(a\)](#)

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Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871