



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 2

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

#### CHAPTER 2

#### OFFENDERS ASSISTING INVESTIGATIONS AND PROSECUTIONS

#### 71 Assistance by offender: immunity from prosecution

- (1) If a specified prosecutor thinks that for the purposes of the investigation or prosecution of [<sup>F1</sup>an indictable offence or an offence triable either way] it is appropriate to offer any person immunity from prosecution [<sup>F2</sup>for any offence] he may give the person a written notice under this subsection (an “immunity notice”).
- (2) If a person is given an immunity notice, no proceedings for an offence of a description specified in the notice may be brought against that person in England and Wales or Northern Ireland except in circumstances specified in the notice.
- (3) An immunity notice ceases to have effect in relation to the person to whom it is given if the person fails to comply with any conditions specified in the notice.
- (4) Each of the following is a specified prosecutor—
  - (a) the Director of Public Prosecutions;
  - (b) the Director of Revenue and Customs Prosecutions;
  - (c) the Director of the Serious Fraud Office;
  - (d) the Director of Public Prosecutions for Northern Ireland;
  - [<sup>F3</sup>(da) the Financial Services Authority;
  - (db) the Secretary of State for Business, Innovation and Skills, acting personally;]

*Status: Point in time view as at 06/04/2010. This version of this provision has been superseded.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Section 71 is up to date with all changes known to be in force on or before 15 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)*

- (e) a prosecutor designated for the purposes of this section by a prosecutor mentioned in paragraphs (a) to [F4(db)].
- (5) The Director of Public Prosecutions or a person designated by him under subsection (4)(e) may not give an immunity notice in relation to proceedings in Northern Ireland.
- (6) The Director of Public Prosecutions for Northern Ireland or a person designated by him under subsection (4)(e) may not give an immunity notice in relation to proceedings in England and Wales.
- [F5(6A) In exercising the power to designate a prosecutor under subsection (4)(e), the Financial Services Authority and the Secretary of State for Business, Innovation and Skills may each designate only—
- (a) one prosecutor (a “chief prosecutor”) to act at any one time, and
  - (b) an alternative prosecutor (a “deputy prosecutor”) to act as a specified prosecutor—
    - (i) when the chief prosecutor is unavailable, or
    - (ii) during any period when no chief prosecutor is designated.
- (6B) Paragraph 5(1) of Schedule 1 to the Financial Services and Markets Act 2000 (arrangements for discharging functions of the Authority) does not apply to the exercise of the powers conferred on the Financial Services Authority under this Chapter.
- (6C) An immunity notice may be given by the Financial Services Authority, the Secretary of State for Business, Innovation and Skills or a prosecutor designated by either of them under subsection (4)(e), only with the consent of the Attorney General.]
- (7) An immunity notice must not be given in relation to an offence under section 188 of the Enterprise Act 2002 (c. 40) (cartel offences).

#### Textual Amendments

- F1** Words in s. 71(1) substituted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 113(2)(a), 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 6
- F2** Words in s. 71(1) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 113(2)(b), 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 6
- F3** S. 71(4)(da)(db) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 113(3)(a), 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 6
- F4** Word in s. 71(4)(e) substituted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 113(3)(b), 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 6
- F5** S. 71(6A)-(6C) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 113(4), 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 6

#### Commencement Information

- I1** S. 71 in force at 1.4.2006 by S.I. 2006/378, art. 5(1)

**Status:**

Point in time view as at 06/04/2010. This version of this provision has been superseded.

**Changes to legislation:**

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