



# 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

#### **72 Assistance by offender: undertakings as to use of evidence**

- (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 an undertaking that information of any description will not be used against the person in any proceedings to which this section applies he may give the person a written notice under this subsection (a “restricted use undertaking”).
- (2) This section applies to—
  - (a) [<sup>F2</sup>any] criminal proceedings;
  - (b) proceedings under Part 5 of the Proceeds of Crime Act 2002 (c. 29).
- (3) If a person is given a restricted use undertaking the information described in the undertaking must not be used against that person in any proceedings to which this section applies brought in England and Wales or Northern Ireland except in the circumstances specified in the undertaking.
- (4) A restricted use undertaking 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 undertaking.
- (5) The Director of Public Prosecutions for Northern Ireland or a person designated by him under section 71(4)(e) may not give a restricted use undertaking in relation to proceedings in England and Wales.

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**Changes to legislation:** Serious Organised Crime and Police Act 2005, Section 72 is up to date with all changes known to be in force on or before 19 June 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](#)

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- (6) The Director of Public Prosecutions or a person designated by him under section 71(4) (e) may not give a restricted use undertaking in relation to proceedings in Northern Ireland.
- (7) Specified prosecutor must be construed in accordance with section 71(4).

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**Textual Amendments**

- F1** Words in s. 72(1) substituted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 113\(5\)](#), 182(5) (with s. 180); [S.I. 2010/816](#), art. 2, Sch. para. 6
- F2** Word in s. 72(2)(a) inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 113\(6\)](#), 182(5) (with s. 180); [S.I. 2010/816](#), art. 2, Sch. para. 6
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**Commencement Information**

- I1** S. 72 in force at 1.4.2006 by [S.I. 2006/378](#), [art. 5\(1\)](#)

**Changes to legislation:**

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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