



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 2

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

#### CHAPTER 4

##### PROTECTION OF WITNESSES AND OTHER PERSONS

### 82 Protection [<sup>F1</sup>of persons involved in investigations or proceedings][<sup>F1</sup>arrangements for persons at risk]

- (1) A protection provider may make such arrangements as he considers appropriate for the purpose of protecting [<sup>F2</sup>a person of a description specified in Schedule 5 if—  
[<sup>F2</sup>any person if he reasonably believes that the person's safety is at risk in view of the criminal conduct or possible criminal conduct of another person.]
- (2) A protection provider may vary or cancel any arrangements made by him under subsection (1) if he considers it appropriate to do so.
- (3) If a protection provider makes arrangements under subsection (1) or cancels arrangements made under that subsection, he must record that he has done so.
- (4) In determining whether to make arrangements under subsection (1), or to vary or cancel arrangements made under that subsection, a protection provider must, in particular, have regard to—
  - (a) the nature and extent of the risk to the person's safety,
  - (b) the cost of the arrangements,
  - (c) the likelihood that the person, and any person associated with him, will be able to adjust to any change in their circumstances which may arise from the

*Status: Point in time view as at 23/03/2015.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Section 82 is up to date with all changes known to be in force on or before 26 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)*

- making of the arrangements or from their variation or cancellation (as the case may be), and
- (d) if the person is or might be a witness in legal proceedings (whether or not in the United Kingdom), the nature of the proceedings and the importance of his being a witness in those proceedings.
- (5) A protection provider is—
- (a) a chief officer of a police force in England and Wales;
  - [<sup>F3</sup>(b) the chief constable of the Police Service of Scotland;]
  - (c) the Chief Constable of the Police Service of Northern Ireland;
  - [<sup>F4</sup>(d) the Director General of the National Crime Agency;]
  - (e) any of the Commissioners for Her Majesty's Revenue and Customs;
  - [<sup>F5</sup>(f) . . . . .]
  - (g) a person designated by a person mentioned in any of the preceding paragraphs to exercise his functions under this section.
- [<sup>F6</sup>(5A) In subsection (1), “criminal conduct” means conduct which constitutes an offence in England and Wales or Scotland, or would do if it occurred there.
- (5B) Nothing in this section prevents a protection provider from making arrangements under this section for the protection of a person where non-statutory arrangements have already been made in respect of that person.]
- [<sup>F7</sup>(6) The Secretary of State may, after consulting the Scottish Ministers [<sup>F8</sup>and the Department of Justice in Northern Ireland], by order amend Schedule 5 so as to add, modify or omit any entry.]
- (7) Nothing in this section affects any power which a person has (otherwise than by virtue of this section) to make arrangements for the protection of another person.

#### Textual Amendments

- F1** Words in s. 82 heading substituted (E.W.S.) (13.5.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, **ss. 178(2)(a)**, 185(1) (with s. 178(7)); S.I. 2014/949, art. 3, Sch. para. 18
- F2** Words in s. 82(1) substituted (E.W.S.) (13.5.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, **ss. 178(2)(b)**, 185(1) (with s. 178(7)); S.I. 2014/949, art. 3, Sch. para. 18
- F3** S. 82(5)(b) substituted (1.4.2013) by *The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)*, art. 1(2), **Sch. 2 para. 48(13)(a)**
- F4** S. 82(5)(d) substituted (7.10.2013) by *Crime and Courts Act 2013 (c. 22)*, s. 61(2), **Sch. 8 para. 160**; S.I. 2013/1682, art. 3(v)
- F5** S. 82(5)(f) omitted (1.4.2013) by virtue of *The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)*, art. 1(2), **Sch. 2 para. 48(13)(b)**
- F6** S. 82(5A)(5B) inserted (E.W.S.) (13.5.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, **ss. 178(2)(c)**, 185(1) (with s. 178(7)); S.I. 2014/949, art. 3, Sch. para. 18
- F7** S. 82(6) repealed (E.W.S.) (13.5.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, **ss. 178(2)(d)**, 185(1) (with s. 178(7)); S.I. 2014/949, art. 3, Sch. para. 18
- F8** Words in s. 82(6) inserted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)*, art. 1(2), **Sch. 15 para. 20** (with arts. 28-31)

#### Commencement Information

- I1** S. 82 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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**12** S. 82 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**

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