



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

94 Interpretation of Chapter 4

- (1) This section applies for the purposes of this Chapter.
- (2) “Protection provider” is to be construed in accordance with section 82.
- (3) A person is a protected person if—
 - (a) arrangements have been made for his protection under subsection (1) of section 82, and
 - (b) the arrangements have not been cancelled under subsection (2) of that section.
- (4) A person is associated with another person if any of the following apply—
 - (a) they are members of the same family;
 - (b) they live in the same household;
 - (c) they have lived in the same household.
- (5) A person assumes a new identity if either or both of the following apply—
 - (a) he becomes known by a different name;
 - (b) he makes representations about his personal history or circumstances which are false or misleading.

Status: This is the original version (as it was originally enacted).

- (6) A reference to a person who is a witness in legal proceedings includes a reference to a person who provides any information or any document or other thing which might be used in evidence in those proceedings or which (whether or not admissible as evidence in those proceedings)—
- (a) might tend to confirm evidence which will or might be admitted in those proceedings,
 - (b) might be referred to in evidence given in those proceedings by another witness, or
 - (c) might be used as the basis for any cross examination in the course of those proceedings,
- and a reference to a person who might be, or to a person who has been, a witness in legal proceedings is to be construed accordingly.
- (7) A reference to a person who is a witness in legal proceedings does not include a reference to a person who is an accused person in criminal proceedings unless he is a witness for the prosecution and a reference to a person who might be, or to a person who has been, a witness in legal proceedings is to be construed accordingly.
- (8) A reference to a person who is or has been a member of staff of an organisation includes a reference to a person who is or has been seconded to the organisation to serve as a member of its staff.
- (9) “The Scottish Drug Enforcement Agency” and “the Director” of that Agency have the meanings given by section 42(2).