



# 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*

#### **62 Disclosure notices**

- (1) If it appears to the Investigating Authority—
- (a) that there are reasonable grounds for suspecting that an offence to which this Chapter applies has been committed,
  - (b) that any person has information (whether or not contained in a document) which relates to a matter relevant to the investigation of that offence, and
  - (c) that there are reasonable grounds for believing that information which may be provided by that person in compliance with a disclosure notice is likely to be of substantial value (whether or not by itself) to that investigation,
- he may give, or authorise an appropriate person to give, a disclosure notice to that person.

- [<sup>F1</sup>(1A) If it appears to the Investigating Authority—
- (a) that any person has information (whether or not contained in a document) which relates to a matter relevant to a terrorist investigation, and

**Changes to legislation:** *Serious Organised Crime and Police Act 2005, Section 62 is up to date with all changes known to be in force on or before 21 March 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*

- (b) that there are reasonable grounds for believing that information which may be provided by that person in compliance with a disclosure notice is likely to be of substantial value (whether or not by itself) to that investigation,  
 he may give, or authorise an appropriate person to give, a disclosure notice to that person.]
- (2) In this Chapter “appropriate person” means—
- (a) a constable,
  - [<sup>F2</sup>(b) a National Crime Agency officer who is for the time being designated under section 9 or 10 of the Crime and Courts Act 2013, or]
  - (c) an officer of Revenue and Customs.
- [<sup>F3</sup>But in the application of this Chapter to Northern Ireland, this subsection has effect as if paragraph (b) was omitted.]
- (3) In this Chapter “disclosure notice” means a notice in writing requiring the person to whom it is given to do all or any of the following things in accordance with the specified requirements, namely—
- (a) answer questions with respect to any matter relevant to the investigation;
  - (b) provide information with respect to any such matter as is specified in the notice;
  - (c) produce such documents, or documents of such descriptions, relevant to the investigation as are specified in the notice.
- (4) In subsection (3) “the specified requirements” means such requirements specified in the disclosure notice as relate to—
- (a) the time at or by which,
  - (b) the place at which, or
  - (c) the manner in which,
- the person to whom the notice is given is to do any of the things mentioned in paragraphs (a) to (c) of that subsection; and those requirements may include a requirement to do any of those things at once.
- (5) A disclosure notice must be signed or counter-signed by the Investigating Authority.
- (6) This section has effect subject to section 64 (restrictions on requiring information etc.).

#### Textual Amendments

- F1** S. 62(1A) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 33(3)**, 39(2); S.I. 2006/1013, art. 2(2) (b)
- F2** S. 62(2)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 159**; S.I. 2013/1682, art. 3(v)
- F3** Words in s. 62(2) inserted (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), s. 31(3), **Sch. 3 para. 4**; S.I. 2006/2966, art. 3

#### 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

#### Commencement Information

- I1** S. 62 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), art. 2(1)(a)

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**I2** S. 62 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [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