



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 [^{F1}an indictable offence or an offence triable either way] it is appropriate to offer any person immunity from prosecution [^{F2}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;
 - ^{F3}(b)
 - (c) the Director of the Serious Fraud Office;
 - (d) the Director of Public Prosecutions for Northern Ireland;
 - ^{F4}[^{F5}(da) the Financial Conduct Authority;
 - (daa) the Prudential Regulation Authority;

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- (dab) the Bank of England, where the indictable offence or offence triable either way which is being investigated or prosecuted is an offence under the Financial Services and Markets Act 2000;
 - (db) the [^{F6}Secretary of State for Business and Trade], acting personally;
 - (e) a prosecutor designated for the purposes of this section by a prosecutor mentioned in paragraphs (a) to [^{F7}(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.
- [^{F8}(6A) In exercising the power to designate a prosecutor under subsection (4)(e), the [^{F9}Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England] and the [^{F10}Secretary of State for Business and Trade] 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.
- [^{F11}(6B) Paragraph 8(1) of Schedule 1ZA ^{F12}... to the Financial Services and Markets Act 2000 (arrangements for discharging functions) [^{F13}and paragraph 17(1) of Schedule 6A to the Bank of England Act 1998 (delegation of functions)] do not apply to the exercise of the powers conferred on the Financial Conduct Authority or the Prudential Regulation Authority under this Chapter.
- (6BA) Paragraph 11 of Schedule 1 to the Bank of England Act 1998 (power to delegate) does not apply to the exercise of the powers conferred on the Bank of England under this Chapter.]
- (6C) An immunity notice may be given by the [^{F14}Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England], the [^{F15}Secretary of State for Business and Trade] or a prosecutor designated by [^{F16}any 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)(b) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 42**
- F4** 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

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- F5** S. 71(4)(da)-(dab) substituted for s. 71(4)(da) (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 106(2)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F6** Words in s. 71(4)(db) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 12(2)** (with art. 17)
- F7** 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
- F8** 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
- F9** Words in s. 71(6A) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 106(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F10** Words in s. 71(6A) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 12(3)** (with art. 17)
- F11** S. 71(6B)(6BA) substituted for s. 71(6B) (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 106(4)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F12** Words in s. 71(6B) omitted (1.3.2017) by virtue of The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 17(a)**
- F13** Words in s. 71(6B) inserted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 17(b)**
- F14** Words in s. 71(6C) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 106(5)(a)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F15** Words in s. 71(6C) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 12(4)** (with art. 17)
- F16** Words in s. 71(6C) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 106(5)(b)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.

Modifications etc. (not altering text)

- C1** S. 71: transfer of functions (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **11(1)** (with art. 17)

Commencement Information

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

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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