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

91 Transitional provision

[F1(1) This section applies to arrangements which were, at any time before the commencement of section 82, made by a protection provider, or any person acting with his authority, for the purpose of protecting a person of a description specified in Schedule 5.

(2) If the following three conditions are satisfied, the arrangements are to be treated as having been made by the protection provider under section 82(1).

(3) The first condition is that the protection provider could have made the arrangements under section 82(1) had it been in force at the time when the arrangements were made.

(4) The second condition is that the arrangements were in operation immediately before the commencement of section 82.

(5) The third condition is that the protection provider determines that it is appropriate to treat the arrangements as having been made under section 82(1).

(6) A determination under subsection (5) may be made at any time before the end of the period of six months beginning with the day on which section 82 comes into force.

(7) A protection provider must make a record of a determination under subsection (5).

Changes to legislation: *Serious Organised Crime and Police Act 2005, Section 91 is up to date with all changes known to be in force on or before 18 August 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*

(8) Subsection (9) applies if—

(a) at any time before the commencement of section 82, arrangements were made by a person specified in subsection (11), or any person acting with the authority of such a person, for the purpose of protecting a person of a description specified in Schedule 5, and

(b) functions in relation to the arrangements are, at any time before the end of the period of six months mentioned in subsection (6), exercisable by a protection provider.

(9) The provision made by subsections (1) to (7) applies in relation to the arrangements as if they had been made by the protection provider.

(10) Accordingly, if the three conditions mentioned in subsections (3) to (5) are satisfied in relation to the arrangements, they are to be treated, by virtue of subsection (2), as having been made by the protection provider under section 82(1).

(11) The persons specified in this subsection are—

(a) the Director General of the National Criminal Intelligence Service;

(b) the Director General of the National Crime Squad;

(c) any of the Commissioners of Her Majesty's Customs and Excise.**]**

Textual Amendments

F1 Ss. 91, 92 repealed (E.W.S.) (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 178(3)**, 185(1) (with s. 178(7)); S.I. 2014/949, art. 3, Sch. para. 18

Commencement Information

I1 S. 91 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**

I2 S. 91 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

Changes to legislation:
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View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 71(4)(dac) inserted by 2024 c. 13 s. 328(2)
- s. 71(8) inserted by 2024 c. 13 s. 328(4)

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