



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.

Changes to legislation: Serious Organised Crime and Police Act 2005, Section 94 is up to date with all changes known to be in force on or before 14 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

- (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.

^{F1}(9)

Textual Amendments

F1 S. 94(9) repealed (S.) (1.4.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **Sch. 6 para. 13(10)**; S.S.I. 2007/84, art. 3(3) and repealed (E.W.N.I.) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 6(10)**

Commencement Information

I1 S. 94 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. 94 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

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[View outstanding changes](#)

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