

These notes refer to the Serious Organised Crime and Police Act 2005 (c.15) which received Royal Assent on 7th April 2005

SERIOUS ORGANISED CRIME AND POLICE ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Schedule 5: Persons specified for the purposes of section 82

Section 89: Defences to liability under section 88

203. This section sets out defences to an offence in section 88. Examples are where the disclosure is made by the protected person about himself, and does not endanger the safety of any person; or where the disclosure is made for the purposes of the prevention, detection or investigation of crime. If sufficient evidence of such a defence is raised, it will be for the prosecution to prove that the defence is not satisfied (*subsection (7)*). *Subsection (5)* provides that the Secretary of State can by order make provision prescribing circumstances in which disclosure of information under section 88(1) or (2) does not constitute an offence in England, Wales and Northern Ireland. *Subsection (6)* provides that Scottish Ministers can by order make provision prescribing circumstances in which disclosure of information under section 88(1) or (2) does not constitute an offence in Scotland.