



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 3

#### CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

### CHAPTER 5

#### MISCELLANEOUS

#### *Immunity etc*

### **113 Powers in respect of offenders who assist investigations and prosecutions**

- (1) Chapter 2 of Part 2 of the Serious Organised Crime and Police Act 2005 (c. 15) is amended as follows.
- (2) In section 71 (assistance by offender: immunity from prosecution), in subsection (1) (immunity notice)—
  - (a) for “any offence” substitute “ an indictable offence or an offence triable either way ”, and
  - (b) after “prosecution”, in second place it occurs, insert “ for any offence ”.
- (3) In subsection (4) of that section (specified prosecutors)—
  - (a) after paragraph (d) insert—
    - “(da) the Financial Services Authority;
    - (db) the Secretary of State for Business, Innovation and Skills, acting personally;”, and
  - (b) in paragraph (e) for “(d)” substitute “ (db) ”.
- (4) After subsection (6) of that section insert—

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**Changes to legislation:** *Coroners and Justice Act 2009, Section 113 is up to date with all changes known to be in force on or before 13 April 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*

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- “(6A) In exercising the power to designate a prosecutor under subsection (4)(e), the Financial Services Authority and the Secretary of State for Business, Innovation and Skills 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.
- (6B) Paragraph 5(1) of Schedule 1 to the Financial Services and Markets Act 2000 (arrangements for discharging functions of the Authority) does not apply to the exercise of the powers conferred on the Financial Services Authority under this Chapter.
- (6C) An immunity notice may be given by the Financial Services Authority, the Secretary of State for Business, Innovation and Skills or a prosecutor designated by either of them under subsection (4)(e), only with the consent of the Attorney General.”
- (5) In section 72 (assistance by offender: undertakings as to use of evidence), in subsection (1) (restricted use undertaking) for “any offence” substitute “ an indictable offence or an offence triable either way ”.
- (6) In subsection (2)(a) of that section, at the beginning insert “ any ”.
- (7) After section 75A insert—

**“75B Guidance about use of powers under sections 71 to 74**

- (1) The Attorney General may issue guidance to specified prosecutors about the exercise by them of any of their powers under sections 71 to 74.
- (2) The Attorney General may from time to time revise any guidance issued under this section.
- (3) In this section “specified prosecutor” is to be construed in accordance with section 71.”

**Commencement Information**

**II** S. 113 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 6

**Changes to legislation:**

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**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. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)