



# SFO

serious  
fraud  
office

Serious Fraud Office | 2-4 Cockspur Street | London | SW1Y 5BS

## GUIDANCE FOR THOSE REQUIRED TO ATTEND INTERVIEW UNDER SECTION 2 OF THE CRIMINAL JUSTICE ACT 1987

1. This guidance is enclosed with a Notice issued under Section 2 of the Criminal Justice Act 1987, requiring you to attend the offices of the SFO for interview. The purpose of the interview is to obtain facts concerning matters set out in the Notice.
  2. Therefore, you are a potential witness and as such you are entitled to be treated in the way set out in the enclosed booklet, 'Victims and Witnesses: our Commitment to You'.
  3. **This will not be an interview under caution. Nor will it be a voluntary interview. Section 2 CJA gives the SFO power to compel you to answer all questions on any matters relevant to the investigation fully and accurately.** You must answer questions with respect to any matter relevant to the investigation. Should you fail to do so without a reasonable excuse, or you make a statement recklessly or deliberately which you know to be false or misleading in any way, you will be committing a criminal offence.
  4. However, no statement which you make during the interview may be given in evidence against you unless:
    - a) You are prosecuted for making a statement that is false or misleading in a material particular;  
or
    - b) You are prosecuted for some other offence and when giving evidence, you make a statement which is inconsistent with a statement made during the interview.
- Further, the statement may not be used against you by virtue of paragraph 4(b) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of you in the proceedings arising out of the prosecution.
5. You are asked not to disclose anything said or seen in the interview to anyone except your lawyer.<sup>1</sup> as to do so could disrupt the investigation. It should be noted that disrupting a criminal investigation may in certain circumstances amount to a crime.
  6. If you without reasonable excuse fail to comply with a requirement imposed on you under this notice you may be guilty of a crime.
  7. You may wish to take legal advice. If so, this should be done urgently. You should pass this letter to your lawyer. The enclosed leaflet, entitled 'Guidance for lawyers seeking to be present at a Section 2 interview', sets out the process for a lawyer to apply to be present at the interview.
  8. The SFO has a discretion as to whether a lawyer should be allowed to attend with you.
  9. SFO interviews are normally digitally recorded. If this is not possible, a full note will be taken.

---

<sup>1</sup> For the purpose of this guidance a 'lawyer' is defined as a practising solicitor, barrister or chartered legal executive.