

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, SCHEDULE 5. (See end of Document for details)

SCHEDULE 5

(introduced by section 90(5))

WITNESS ANONYMITY ORDERS: TRANSITIONAL

Interpretation

1 In this schedule—

“commencement” means the day on which section 90 comes into force,
“pre-commencement anonymity order” means an order made by a court before commencement under any rule of law relating to the power of the court to make an order for securing that the identity of a witness in criminal proceedings is withheld from the accused (or, on a defence application, from other accused),
“witness anonymity order” has the meaning given by section 271N of the 1995 Act.

Commencement Information

II Sch. 5 para. 1 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, Sch.

Pre-commencement anonymity orders: appeals

2 (1) This paragraph applies where—

- (a) the High Court of Justiciary is considering an appeal against a conviction in a case where the trial began before commencement, and
- (b) the court from which the appeal lies (“the trial court”) made a pre-commencement anonymity order in relation to a witness at the trial.

(2) The High Court—

- (a) may not quash the conviction solely on the ground that the trial court had no power under any rule of law to make the order mentioned in subparagraph (1)(b), but
- (b) must quash the conviction if it considers that, as a result of the order, the accused did not receive a fair trial.

Commencement Information

I2 Sch. 5 para. 2 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, SCHEDULE 5.