

## 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.

#### *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.