



# Criminal Evidence (Witness Anonymity) Act 2008

## 2008 CHAPTER 15

*Application of provisions etc.*

### **F19** Proceedings to which new rules apply

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#### **Textual Amendments**

**F1** Ss. 1-9 repealed (1.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 96, 182(3)(a), [Sch. 23 Pt. 3](#) (with s. 180, [Sch. 22 para. 16](#), [Sch. 22 para. 17](#))

### **10** Pre-commencement anonymity orders: existing proceedings

**F2**(1) .....

**F2**(2) .....

**F2**(3) .....

**F2**(4) .....

**F2**(5) .....

**F2**(6) .....

**F2**(7) .....

(8) In this section—

“commencement” means the day on which this Act is passed;

“pre-commencement anonymity order” means an order made before commencement that falls within section 1(2).

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Evidence (Witness Anonymity) Act 2008, Cross Heading: Application of provisions etc.. (See end of Document for details)

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### Textual Amendments

- F2** S. 10(1)-(7) repealed (1.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(3)(d), [Sch. 23 Pt. 3](#) (with s. 180)

## 11 Pre-commencement anonymity orders: appeals

- (1) This section applies where—
- (a) an appeal court is considering an appeal against a conviction in criminal proceedings in a case where the trial ended 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 appeal court—
- (a) may not treat the conviction as unsafe solely on the ground that the trial court had no power at common law to make the order mentioned in subsection (1) (b), but
  - (b) must treat the conviction as unsafe if it considers—
    - (i) that the order was not one that the trial court could have made if this Act had been in force at the material time, and
    - (ii) that, as a result of the order, the defendant did not receive a fair trial.
- (3) In this section—
- “appeal court” means—
- (a) the Court of Appeal;
  - (b) the Court of Appeal in Northern Ireland; or
  - (c) the Courts-Martial Appeal Court or the Court Martial Appeal Court;
- “commencement” and “pre-commencement anonymity order” have the meanings given by section 10(8).

### Modifications etc. (not altering text)

- C1** S. 11(2)(b)(i) modified (1.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(3)(b), [Sch. 22 para. 17\(2\)](#) (with s. 180)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Evidence (Witness Anonymity) Act 2008, Cross Heading: Application of provisions etc..