



Criminal Evidence (Witness Anonymity) Act 2008

2008 CHAPTER 15

Witness anonymity orders

5 Relevant considerations

- (1) When deciding whether Conditions A to C in section 4 are met in the case of an application for a witness anonymity order, the court must have regard to—
 - (a) the considerations mentioned in subsection (2) below, and
 - (b) such other matters as the court considers relevant.
- (2) The considerations are—
 - (a) the general right of a defendant in criminal proceedings to know the identity of a witness in the proceedings;
 - (b) the extent to which the credibility of the witness concerned would be a relevant factor when the weight of his or her evidence comes to be assessed;
 - (c) whether evidence given by the witness might be the sole or decisive evidence implicating the defendant;
 - (d) whether the witness's evidence could be properly tested (whether on grounds of credibility or otherwise) without his or her identity being disclosed;
 - (e) whether there is any reason to believe that the witness—
 - (i) has a tendency to be dishonest, or
 - (ii) has any motive to be dishonest in the circumstances of the case, having regard (in particular) to any previous convictions of the witness and to any relationship between the witness and the defendant or any associates of the defendant;
 - (f) whether it would be reasonably practicable to protect the witness's identity by any means other than by making a witness anonymity order specifying the measures that are under consideration by the court.

Status:

Point in time view as at 21/07/2008. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Evidence (Witness Anonymity) Act 2008, Section 5.