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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Paragraph 2. (See end of Document for details)

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## SCHEDULE 5 WITNESS ANONYMITY ORDERS: TRANSITIONAL

### *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.

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#### **Commencement Information**

**II** 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, Paragraph 2.