

*These notes refer to the Criminal Evidence (Witness Anonymity)
Act 2008 (c.15) which received Royal Assent on 21 July 2008*

CRIMINAL EVIDENCE (WITNESS ANONYMITY) ACT 2008

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Section 11: Pre-commencement anonymity orders: appeals

49. **Section 11** covers appeals where the conviction took place before the Act comes into force. These may be live appeals, that is to say, where the appellant has just been convicted before commencement and is appealing within the usual period allowed for appealing. Alternatively, it may be an out of time appeal, where leave to appeal has been granted exceptionally at the discretion of the appeal court. And it may be where the appeal court is considering a reference from the Criminal Cases Review Commission.
50. The purpose of section 11 is to prevent an appeal court from quashing a conviction solely on the grounds that a witness anonymity order was made under the common law (and so the court, as a result of the finding in *Davis*, had no power at the time to make the order in those circumstances). Instead, the court is required to consider whether the order could have been made under the new law. The appeal court is required to quash the conviction if it considers that the defendant did not receive a fair trial.