



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XII

#### EVIDENCE

##### *[<sup>F1</sup> Witness anonymity orders*

##### **[<sup>F1</sup>271S Relevant considerations**

- (1) When deciding whether Conditions A to D in section 271R 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), and
  - (b) such other matters as the court considers relevant.
- (2) The considerations are—
  - (a) the general right of an accused 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 witness's evidence comes to be assessed,
  - (c) whether evidence given by the witness might be material in implicating the accused,
  - (d) whether the witness's evidence could be properly tested (whether on grounds of credibility or otherwise) without the witness's 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 accused or any associates of the accused,
  - (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.]

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*Status: Point in time view as at 16/08/2013. This version of this provision has been superseded.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 271S is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Ss. 271N-271Z inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 90\(1\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.
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#### **Modifications etc. (not altering text)**

- C1** Ss. 271N-271Z applied (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 90\(3\)\(4\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.

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