

*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 8: Special provisions for service courts

43. This section provides for the application of the witness anonymity provisions in relation to criminal proceedings before the service courts. Matters of law arising in the service courts, with the exception of the Courts-Martial Appeal Court and its successor under the Armed Forces Act 2006, are dealt with by the judge advocate. There are no juries in the service courts but such courts do have lay members. *Subsection (3)* requires the lay members to be warned as to the effect of the making of an order in the same way as juries are.
44. While the breach of an order within the civilian courts will be dealt with under common law powers relating to contempt of court this is not open to the existing service courts (again, with the exception of the Courts-Martial Appeal Court). Accordingly such breaches will be dealt with by a procedure under which the service court refers the matter to an appropriate court which does have powers to punish for contempt of court. *Subsections (4) and (5)* therefore adapt the procedures currently provided for contempt in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957.