

*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 9: Proceedings to which new rules apply

45. [Sections 9 to 11](#) deal with the circumstances in which the Act applies. This is an important feature of the Act because, in the absence of such provision, it might be necessary to abandon trials, or quash convictions, because of the House of Lords finding that the common law power to make an order preserving a witness's anonymity was more limited than many had previously thought. The aim underlying these sections is to prevent trials from being abandoned, or convictions quashed on appeal, solely on the ground that the trial court had no power at common law to make the anonymity order. The court is required to consider whether the anonymity order made could have been made under the new law.