



Criminal Evidence (Witness Anonymity) Act 2008

2008 CHAPTER 15

Witness anonymity orders

4 Conditions for making order

- (1) This section applies where an application is made for a witness anonymity order to be made in relation to a witness in criminal proceedings.
- (2) The court may make such an order only if it is satisfied that Conditions A to C below are met.
- (3) Condition A is that the measures to be specified in the order are necessary—
 - (a) in order to protect the safety of the witness or another person or to prevent any serious damage to property, or
 - (b) in order to prevent real harm to the public interest (whether affecting the carrying on of any activities in the public interest or the safety of a person involved in carrying on such activities, or otherwise).
- (4) Condition B is that, having regard to all the circumstances, the taking of those measures would be consistent with the defendant receiving a fair trial.
- (5) Condition C is that it is necessary to make the order in the interests of justice by reason of the fact that it appears to the court that—
 - (a) it is important that the witness should testify, and
 - (b) the witness would not testify if the order were not made.
- (6) In determining whether the measures to be specified in the order are necessary for the purpose mentioned in subsection (3)(a), the court must have regard (in particular) to any reasonable fear on the part of the witness—
 - (a) that the witness or another person would suffer death or injury, or
 - (b) that there would be serious damage to property,if the witness were to be identified.

Status:

Point in time view as at 21/07/2008. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Evidence (Witness Anonymity) Act 2008, Section 4.