



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 3

CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

CHAPTER 2

ANONYMITY OF WITNESSES

Witness anonymity orders

87 Applications

- (1) An application for a witness anonymity order to be made in relation to a witness in criminal proceedings may be made to the court by the prosecutor or the defendant.
- (2) Where an application is made by the prosecutor, the prosecutor—
 - (a) must (unless the court directs otherwise) inform the court of the identity of the witness, but
 - (b) is not required to disclose in connection with the application—
 - (i) the identity of the witness, or
 - (ii) any information that might enable the witness to be identified, to any other party to the proceedings or his or her legal representatives.
- (3) Where an application is made by the defendant, the defendant—
 - (a) must inform the court and the prosecutor of the identity of the witness, but
 - (b) (if there is more than one defendant) is not required to disclose in connection with the application—
 - (i) the identity of the witness, or
 - (ii) any information that might enable the witness to be identified, to any other defendant or his or her legal representatives.

Changes to legislation: Coroners and Justice Act 2009, Section 87 is up to date with all changes known to be in force on or before 17 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) [View outstanding changes](#)

- (4) Accordingly, where the prosecutor or the defendant proposes to make an application under this section in respect of a witness, any relevant material which is disclosed by or on behalf of that party before the determination of the application may be disclosed in such a way as to prevent—
 - (a) the identity of the witness, or
 - (b) any information that might enable the witness to be identified, from being disclosed except as required by subsection (2)(a) or (3)(a).
- (5) “Relevant material” means any document or other material which falls to be disclosed, or is sought to be relied on, by or on behalf of the party concerned in connection with the proceedings or proceedings preliminary to them.
- (6) The court must give every party to the proceedings the opportunity to be heard on an application under this section.
- (7) But subsection (6) does not prevent the court from hearing one or more parties in the absence of a defendant and his or her legal representatives, if it appears to the court to be appropriate to do so in the circumstances of the case.
- (8) Nothing in this section is to be taken as restricting any power to make rules of court.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)