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STATUTORY INSTRUMENTS

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**2009 No. 1059**

**The Armed Forces Act 2006  
(Transitional Provisions etc) Order 2009**

**PART 18**

**DISCIPLINE: MISCELLANEOUS**

**Witness anonymity orders**

**179.**—(1) In section 6(1) of the Criminal Evidence (Witness Anonymity) Act 2008<sup>(1)</sup> (discharge or variation of witness anonymity order), the reference to a court that has made a witness anonymity order in relation to any criminal proceedings is to be read—

- (a) in relation to an order made by a court-martial, as a reference to the Court Martial;
- (b) in relation to an order made by a Standing Civilian Court, as a reference to the Service Civilian Court; and
- (c) in relation to an order made by a summary appeal court, as a reference to the Summary Appeal Court.

(2) Section 311 of AFA 2006 (certification of contempt to civil courts) applies if, in relation to a witness anonymity order made by a court-martial, a Standing Civilian Court or a summary appeal court, a person within section 309(6) of that Act does any act that would constitute contempt of court if the order had been made by a court having power to commit for contempt.

(3) Where section 311 of AFA 2006 applies by virtue of paragraph (2) above—

- (a) in subsection (2) of that section, “the qualifying service court” means—
  - (i) if the order was made by a court-martial, the Court Martial,
  - (ii) if the order was made by a Standing Civilian Court, the Service Civilian Court, and
  - (iii) if the order was made by a summary appeal court, the Summary Appeal Court,and the definition of “qualifying service court” in subsection (5) of that section applies only for the purposes of subsection (4);
- (b) in that section, “the offence” means the act mentioned in paragraph (2) above.

(4) In this article—

“act” includes an omission, and references to the doing of an act are to be read accordingly;  
“witness anonymity order” has the same meaning as in the Criminal Evidence (Witness Anonymity) Act 2008.