

SCHEDULE 5
WITNESS ANONYMITY ORDERS: TRANSITIONAL

Pre-commencement anonymity orders: appeals

- 2 (1) This paragraph applies where—
- (a) the High Court of Justiciary is considering an appeal against a conviction in a case where the trial began before commencement, and
 - (b) the court from which the appeal lies (“the trial court”) made a pre-commencement anonymity order in relation to a witness at the trial.
- (2) The High Court—
- (a) may not quash the conviction solely on the ground that the trial court had no power under any rule of law to make the order mentioned in subparagraph (1)(b), but
 - (b) must quash the conviction if it considers that, as a result of the order, the accused did not receive a fair trial.