



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

[^{F1}Witness anonymity orders

VALID FROM 28/03/2011

[^{F1}271U Discharge and variation of order

- (1) This section applies where a court has made a witness anonymity order in relation to any criminal proceedings.
- (2) The court may discharge or vary (or further vary) the order if it appears to the court to be appropriate to do so in view of the provisions of sections 271R and 271S that applied to the making of the order.
- (3) The court may do so—
 - (a) on an application made by a party to the proceedings if there has been a material change of circumstances since the relevant time, or
 - (b) on its own initiative.
- (4) The court must give every party to the proceedings the opportunity to be heard—
 - (a) before determining an application made to it under subsection (3)(a), and
 - (b) before discharging or varying the order on its own initiative.
- (5) Subsection (4) does not prevent the court from hearing one or more of the parties to the proceedings in the absence of an accused and the accused's legal representatives, if it appears to the court to be appropriate to do so in the circumstances of the case.
- (6) In subsection (3)(a) “the relevant time” means—
 - (a) the time when the order was made, or

Status: Point in time view as at 12/10/2009. This version of this provision is not valid for this point in time.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 271U is up to date with all changes known to be in force on or before 24 May 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)*

(b) if a previous application has been made under that subsection, the time when the application (or the last application) was made.]

Textual Amendments

F1 Ss. 271N-271Z and cross-heading inserted (prosp. with application in accordance with s. 90(3) of the amending Act) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 90(1), 206(1) (with s. 90(4))

Status:

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