



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 3

CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

CHAPTER 1

ANONYMITY IN INVESTIGATIONS

74 Qualifying offences

- (1) An offence is a qualifying offence for the purposes of this Chapter if—
 - (a) it is listed in subsection (2), and
 - (b) the condition in subsection (3) is satisfied in relation to it.
- (2) The offences are—
 - (a) murder;
 - (b) manslaughter.
- (3) The condition in this subsection is that the death was caused by one or both of the following—
 - (a) being shot with a firearm;
 - (b) being injured with a knife.
- (4) The [^{F1}appropriate authority] may by order amend this section—
 - (a) so as to add an offence to or omit an offence from the list in subsection (2), or
 - (b) so as to add, omit or modify a condition to be satisfied in relation to an offence.
- (5) In this section—

[^{F2}“the appropriate authority” means, in relation to England and Wales, the Secretary of State and, in relation to Northern Ireland, the Department of Justice in Northern Ireland;]

Changes to legislation: Coroners and Justice Act 2009, Chapter 1 is up to date with all changes known to be in force on or before 10 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

“firearm”, in relation to England and Wales, has the meaning given by section 57 of the Firearms Act 1968 (c. 27) and, in relation to Northern Ireland, has the meaning given by Article 2 of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3));

“knife” has the meaning given by section 10 of the Knives Act 1997 (c. 21).

Textual Amendments

- F1** Words in s. 74(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 94(2)** (with arts. 28-31)
- F2** Words in s. 74(5) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 94(3)** (with arts. 28-31)

Commencement Information

- I1** S. 74 in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), **art. 3**
- I2** [S. 74](#) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), **art. 2(a)(i)**

75 Qualifying criminal investigations

- (1) For the purposes of this Chapter a criminal investigation is a qualifying criminal investigation if it is conducted by an investigating authority wholly or in part with a view to ascertaining—
 - (a) whether a person should be charged with a qualifying offence, or
 - (b) whether a person charged with a qualifying offence is guilty of it.
- (2) The following are investigating authorities—
 - (a) a police force in England and Wales;
 - (b) the British Transport Police Force;
 - (c) the [^{F3}National Crime Agency];
 - (d) the Police Service of Northern Ireland.
- (3) The Secretary of State may by order amend subsection (2) so as to add or omit a body or other person.
- (4) The provision which may be included in an order under subsection (3) by virtue of section 176 (power to make consequential provision etc) includes provision modifying any provision of this Chapter.
- [^{F4}(5) The power to make an order under subsection (3) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as it may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).]

Textual Amendments

- F3** Words in s. 75(2)(c) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 186**; [S.I. 2013/1682](#), art. 3(v)
- F4** S. 75(5) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 95(2)** (with arts. 28-31)

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Commencement Information

- I3** S. 75 in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), [art. 3](#)
I4 S. 75(1)(2)(d)(3)-(5) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), [art. 2\(a\)\(ii\)](#)
I5 S. 75(2)(c) in force at 2.5.2011 for N.I. by [S.I. 2011/1122](#), [art. 2](#)

76 Investigation anonymity orders

- (1) In this Chapter an “investigation anonymity order” is an order made by a justice of the peace in relation to a specified person prohibiting the disclosure of information—
 - (a) that identifies the specified person as a person who is or was able or willing to assist a specified qualifying criminal investigation, or
 - (b) that might enable the specified person to be identified as such a person.
- (2) The prohibition in an investigation anonymity order is subject to subsections (3) to (9).
- (3) An investigation anonymity order is not contravened by disclosure of such information as regards the specified person as is described in subsection (1), if the person disclosing the information does not know and has no reason to suspect that such an order has been made in relation to the specified person in connection with the specified qualifying criminal investigation.
- (4) An investigation anonymity order is not contravened by disclosure of such information as regards the specified person as is described in subsection (1)(b), if the person disclosing the information does not know and has no reason to suspect that the information disclosed is information that might enable the specified person to be identified as a person of the sort described in subsection (1)(a) in relation to the specified qualifying criminal investigation.
- (5) A person (“A”) who discloses to another person (“B”) that an investigation anonymity order has been made in relation to a person in connection with the criminal investigation of a qualifying offence does not contravene the order if the condition in subsection (6) is satisfied.
- (6) The condition is that A knows that B is aware that the person specified in the order is a person who is or was able or willing to assist a criminal investigation relating to the qualifying offence.
- (7) A person who discloses information to which an investigation anonymity order relates does not contravene the order if—
 - (a) the disclosure is made to a person who is involved in the specified qualifying criminal investigation or in the prosecution of an offence to which the investigation relates, and
 - (b) the disclosure is made for the purposes of the investigation or the prosecution of an offence to which the investigation relates.
- (8) An investigation anonymity order is not contravened by—
 - (a) disclosure in pursuance of a requirement imposed by any enactment or rule of law, or
 - (b) disclosure made in pursuance of an order of a court.
- (9) A person who discloses such information as regards another person as is described in subsection (1) may not rely on subsection (8) in a case where—

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- (a) it might have been determined that the person was required or permitted to withhold the information (whether on grounds of public interest immunity or on other grounds), but
- (b) the person disclosed the information without there having been a determination as to whether the person was required or permitted to withhold the information.

Disclosure for the purposes of seeking such a determination is not a contravention of an investigation anonymity order.

- (10) It is an offence for a person to disclose information in contravention of an investigation anonymity order.
- (11) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the relevant period or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine, or both.
- (12) “The relevant period” means—
 - (a) in relation to England and Wales, [^{F5}the general limit in a magistrates’ court];
 - (b) in relation to Northern Ireland, 6 months.
- (13) In this section “specified” means specified in the investigation anonymity order concerned.

Textual Amendments

- F5** Words in s. 76(12)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

Commencement Information

- I6** S. 76 in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), **art. 3**
- I7** S. 76(1)-(11)(12)(b)(13) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), **art. 2(a)(iii)**

77 Applications

- (1) An application for an investigation anonymity order may be made to a justice of the peace by—
 - (a) in a case where a police force in England and Wales is conducting the qualifying criminal investigation, the chief officer of police of the police force;
 - (b) in a case where the British Transport Police Force is conducting the qualifying criminal investigation, the Chief Constable of the British Transport Police Force;
 - (c) in a case where the [^{F6}National Crime Agency] is conducting the qualifying criminal investigation, the [^{F7}Director General of the National Crime Agency];
 - (d) in a case where the Police Service of Northern Ireland is conducting the qualifying criminal investigation, the Chief Constable of the Police Service of Northern Ireland;
 - (e) the Director of Public Prosecutions;
 - ^{F8}(f)

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- (g) the Director of Public Prosecutions for Northern Ireland.
- (2) An applicant for an investigation anonymity order is not required to give notice of the application to—
- (a) a person who is suspected of having committed or who has been charged with an offence to which the qualifying criminal investigation relates, or
 - (b) such a person's legal representatives.
- (3) An applicant for an investigation anonymity order must (unless the justice of the peace directs otherwise) inform the justice of the identity of the person who would be specified in the order.
- (4) A justice of the peace may determine the application without a hearing.
- (5) If a justice of the peace determines an application for an investigation anonymity order without a hearing, the designated officer in relation to that justice must notify the applicant of the determination.
- (6) In the application of this section to Northern Ireland, the reference to the designated officer in relation to a justice of the peace is to be read as a reference to the clerk of petty sessions ^{F9}....
- (7) The Secretary of State may by order amend subsection (1).
- (8) The provision which may be included in an order under subsection (7) by virtue of section 176 (power to make consequential provision etc) includes provision modifying any provision of this Chapter.
- [^{F10}(9) The power to make an order under subsection (7) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as it may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).]

Textual Amendments

- F6** Words in s. 77(1)(c) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 188\(a\)](#); [S.I. 2013/1682](#), art. 3(v)
- F7** Words in s. 77(1)(c) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 188\(b\)](#); [S.I. 2013/1682](#), art. 3(v)
- F8** S. 77(1)(f) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 71](#)
- F9** Words in s. 77(6) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 138\(1\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(l) (with art. 3)
- F10** S. 77(9) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 96\(2\)](#) (with arts. 28-31)

Commencement Information

- I8** S. 77 in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), [art. 3](#)
- I9** S. 77(1)(c) in force at 2.5.2011 for N.I. by [S.I. 2011/1122](#), [art. 2](#)
- I10** S. 77(1)(d)(g)(2)-(8) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), [art. 2\(a\)\(iv\)](#)

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78 Conditions for making order

- (1) This section applies where an application is made for an investigation anonymity order to be made in relation to a person.
- (2) The justice of the peace may make such an order if satisfied that there are reasonable grounds for believing that the conditions in subsections (3) to (8) are satisfied.
- (3) The condition in this subsection is that a qualifying offence has been committed.
- (4) The condition in this subsection is that the person likely to have committed the qualifying offence (“the relevant person”) is a person who was aged at least 11 but under 30 at the time the offence was committed.
- (5) The condition in this subsection is that the relevant person is likely to have been a member of a group falling within subsection (6) at the time the offence was committed.
- (6) A group falls within this subsection if—
 - (a) it is possible to identify the group from the criminal activities that its members appear to engage in, and
 - (b) it appears that the majority of the persons in the group are aged at least 11 but under 30.
- (7) The condition in this subsection is that the person who would be specified in the order has reasonable grounds for fearing intimidation or harm if identified as a person who is or was able or willing to assist the criminal investigation as it relates to the qualifying offence.
- (8) The condition in this subsection is that the person who would be specified in the order—
 - (a) is able to provide information that would assist the criminal investigation as it relates to the qualifying offence, and
 - (b) is more likely than not, as a consequence of the making of the order, to provide such information.
- (9) If it is suspected that the qualifying offence was committed by 2 or more persons, it is sufficient for the purposes of subsection (2) that the justice is satisfied that there are reasonable grounds for believing that the conditions in subsections (3) to (8) are satisfied in relation to one person.
- (10) The [^{F11}appropriate authority] may by order modify or repeal any of subsections (4) to (6) and (9).
- (11) The provision which may be included in an order under subsection (10) by virtue of section 176 (power to make consequential provision etc) includes provision modifying any provision of this Chapter.
- [^{F12}(12) In subsection (10) “the appropriate authority” means, in relation to England and Wales, the Secretary of State and, in relation to Northern Ireland, the Department of Justice in Northern Ireland.]

Textual Amendments

- F11** Words in s. 78(10) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 97\(2\)](#) (with arts. 28-31)

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F12 S. 78(12) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 97(3)** (with arts. 28-31)

Commencement Information

I11 S. 78 in force at 6.4.2010 for E.W. by S.I. 2010/816, **art. 3**

I12 S. 78 in force at 18.4.2011 for N.I. by S.R. 2011/182, **art. 2(a)(v)**

79 Appeal against refusal of order

- (1) Where a justice of the peace refuses an application for an investigation anonymity order, the applicant may appeal to a judge of the Crown Court against that refusal.
- (2) An applicant may not appeal under subsection (1) unless the applicant indicates—
 - (a) in the application for the order, or
 - (b) if there is a hearing of the application before the justice, at the hearing, that the applicant intends to appeal a refusal.
- (3) If an applicant has indicated an intention to appeal a refusal, a justice of the peace who refuses an application for an investigation anonymity order must make the order as requested by the applicant.
- (4) An order made under subsection (3) has effect until the appeal is determined or otherwise disposed of.
- (5) The judge to whom an appeal is made must consider afresh the application for an investigation anonymity order and section 77(3) to (5) applies accordingly to the determination of the application by the judge.
- (6) In the application of section 77(5) by virtue of subsection (5), the reference in section 77(5) to the designated officer in relation to a justice of the peace is to be read—
 - (a) in the case of an appeal made in England and Wales, as a reference to the appropriate officer of the Crown Court;
 - (b) in the case of an appeal made in Northern Ireland, as a reference to the chief clerk^{F13}

Textual Amendments

F13 Words in s. 79(6)(b) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 138(2)**, **Sch. 9 Pt. 1** (with **Sch. 8 para. 1**); S.R. 2016/387, **art. 2(k)(l)** (with **art. 3**)

Commencement Information

I13 S. 79 in force at 6.4.2010 for E.W. by S.I. 2010/816, **art. 3**

I14 S. 79(1)-(5)(6)(b) in force at 18.4.2011 for N.I. by S.R. 2011/182, **art. 2(a)(vi)**

80 Discharge of order

- (1) A justice of the peace may discharge an investigation anonymity order if it appears to the justice to be appropriate to do so.
- (2) The justice may so discharge an investigation anonymity order on an application by—
 - (a) the person on whose application the order was made;
 - (b) the Director of Public Prosecutions;

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- ^{F14}(c)
- (d) the Director of Public Prosecutions for Northern Ireland;
- (e) the person specified in the order.
- (3) An application may not be made under subsection (2) unless there has been a material change of circumstances since the relevant time.
- (4) Any person eligible to apply for the discharge of the order is entitled to be party to the proceedings on the application in addition to the applicant.
- (5) If an application to discharge an investigation anonymity order is made by a person other than the person specified in the order, the justice may not determine the application unless—
- (a) the person specified in the order has had an opportunity to oppose the application, or
- (b) the justice is satisfied that it is not reasonably practicable to communicate with the person.
- (6) A party to the proceedings may appeal to a judge of the Crown Court against the justice's decision.
- (7) If during the proceedings a party indicates an intention to appeal against a determination to discharge the investigation anonymity order, a justice of the peace who makes such a determination must provide for the discharge of the order not to have effect until the appeal is determined or otherwise disposed of.
- (8) “The relevant time” means—
- (a) the time when the order was made, or
- (b) if a previous application has been made under subsection (2), the time when the application (or the last application) was made.

Textual Amendments

- F14** S. 80(2)(c) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 72](#)

Commencement Information

- I15** S. 80 in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), [art. 3](#)
- I16** S. 80(1)(2)(a)(d)(e)(3)-(8) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), [art. 2\(a\)\(vii\)](#)

81 Delegation of functions

- (1) A chief officer of police of a police force in England and Wales may authorise a person to exercise the chief officer's functions under this Chapter.
- (2) The Chief Constable of the British Transport Police Force may authorise a person to exercise the Chief Constable's functions under this Chapter.
- (3) The [^{F15}Director General of the National Crime Agency] may authorise a person to exercise the Director General's functions under this Chapter.
- (4) The Chief Constable of the Police Service of Northern Ireland may authorise a person to exercise the Chief Constable's functions under this Chapter.

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(5) The Director of Public Prosecutions may authorise a person to exercise the Director's functions under this Chapter.

^{F16}(6)

(7) The Director of Public Prosecutions for Northern Ireland may authorise a person to exercise the Director's functions under this Chapter.

Textual Amendments

F15 Words in s. 81(3) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 187](#); [S.I. 2013/1682](#), art. 3(v)

F16 [S. 81\(6\)](#) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 73](#)

Commencement Information

I17 S. 81 in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), [art. 3](#)

I18 S. 81(3) in force at 2.5.2011 for N.I. by [S.I. 2011/1122](#), [art. 2](#)

I19 S. 81(4)(7) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), [art. 2\(a\)\(viii\)](#)

82 Public interest immunity

Nothing in this Chapter affects the common law rules as to the withholding of information on the grounds of public interest immunity.

Commencement Information

I20 [S. 82](#) in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), [art. 3](#)

I21 [S. 82](#) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), [art. 2\(a\)\(ix\)](#)

83 Review

(1) The Secretary of State must review the operation of this Chapter^[F17] in England and Wales] and prepare a report of that review.

(2) The Secretary of State must lay a copy of the report before Parliament before the end of the period of 2 years beginning with the day on which section 77 comes into force.

^[F18](3) The Department of Justice in Northern Ireland must review the operation of this Chapter in Northern Ireland and prepare a report of that review.

(4) The Department of Justice must lay a copy of the report before the Northern Ireland Assembly before the end of the period of 2 years beginning with the day on which section 77 comes into force.

(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (4) in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.]

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Textual Amendments

- F17** Words in [s. 83\(1\)](#) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 98\(2\)](#) (with arts. 28-31)
- F18** [S. 83\(3\)-\(5\)](#) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 98\(3\)](#) (with arts. 28-31)

Commencement Information

- I22** [S. 83](#) in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), [art. 3](#)
- I23** [S. 83\(3\)-\(5\)](#) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), [art. 2\(a\)\(x\)](#)

84 Application to armed forces

- (1) Subject to subsection (2), nothing in this Chapter applies in relation to any investigation conducted with a view to its being ascertained whether a person should be charged with a service offence or whether a person charged with such an offence is guilty of it.
- (2) The Secretary of State may by order make as regards any investigation mentioned in subsection (1) provision equivalent to the provisions contained in this Chapter, subject to such modifications as the Secretary of State considers appropriate.
- (3) An order under this section may make provision in such way as the Secretary of State considers appropriate, and may in particular apply any of the provisions concerned, with or without modifications.
- (4) In this section—
 - (a) “service offence” has the meaning given by section 50(2) of the Armed Forces Act 2006 (c. 52);
 - (b) references to charges are to charges brought under Part 5 of that Act.

Commencement Information

- I24** [S. 84](#) in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 5](#)

85 Interpretation of this Chapter

- (1) In this Chapter—

“enactment” means an enactment contained in or in an instrument made by virtue of—

 - (a) an Act of Parliament,
 - (b) a Measure or Act of the National Assembly for Wales, or
 - (c) Northern Ireland legislation;

“investigation anonymity order” has the meaning given by section 76;

“qualifying criminal investigation” has the meaning given by section 75;

“qualifying offence” has the meaning given by section 74.
- (2) In the application of this Chapter to Northern Ireland—
 - (a) references to a justice of the peace are to be read as references to a district judge (magistrates' courts);

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- (b) references to a judge of the Crown Court are to be read as references to a county court judge.

Commencement Information

I25 [S. 85](#) in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), **art. 3**

I26 [S. 85](#) in force at 18.4.2011 for N.I. by [S.R. 2011/182](#), **art. 2(a)(ix)**

Changes to legislation:

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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\(2\)](#)