
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 18

MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE

WITNESS ANONYMITY ORDERS

Representations in response

18.22.—(1) This rule applies where a party or, where the case is over, a witness, wants to make representations about—

- (a) an application for a witness anonymity order;
- (b) an application for the variation or discharge of such an order; or
- (c) a variation or discharge that the court proposes on its own initiative.

(2) Such a party or witness must—

- (a) serve the representations on—
 - (i) the court officer, and
 - (ii) each other party;
- (b) do so not more than 10 business days after, as applicable—
 - (i) service of the application, or
 - (ii) notice of the variation or discharge that the court proposes; and
- (c) ask for a hearing, if that party or witness wants one.

(3) Where representations include information that the person making them thinks might reveal the witness' identity, that person must—

- (a) omit that information from the representations served on a defendant;
- (b) mark the information to show that it is only for the court (and for the prosecutor, if relevant); and
- (c) with that information include an explanation of why it has been withheld.

(4) Representations against a witness anonymity order must explain why the conditions for making the order are not met.

(5) Representations against the variation or discharge of such an order must explain why it would not be appropriate to vary or discharge it, taking account of the conditions for making an order.

(6) A prosecutor's representations in response to an application by a defendant must include all information available to the prosecutor that is relevant to the conditions and considerations specified by sections 88 and 89 of the Coroners and Justice Act 2009.