

Status: Point in time view as at 05/11/2010. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, SCHEDULE 5. (See end of Document for details)

VALID FROM 19/11/2010

VALID FROM 28/03/2011

SCHEDULE 5

(introduced by section 90(5))

WITNESS ANONYMITY ORDERS: TRANSITIONAL

Interpretation

In this schedule—

“commencement” means the day on which section 90 comes into force,
“pre-commencement anonymity order” means an order made by a court before commencement under any rule of law relating to the power of the court to make an order for securing that the identity of a witness in criminal proceedings is withheld from the accused (or, on a defence application, from other accused),
“witness anonymity order” has the meaning given by section 271N of the 1995 Act.

Pre-commencement anonymity orders: appeals

- (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.

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