



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 3

#### CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

#### CHAPTER 1

##### ANONYMITY IN INVESTIGATIONS

### 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 Serious Organised Crime Agency is conducting the qualifying criminal investigation, the Director General of the Serious Organised 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;
  - (f) the Director of Revenue and Customs Prosecutions;
  - (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

---

*Status: Point in time view as at 02/05/2011. This version of this provision has been superseded.*

*Changes to legislation: Coroners and Justice Act 2009, Section 77 is up to date with all changes known to be in force on or before 29 June 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) 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 for the petty sessions district in which the application for an investigation anonymity order is made.
- (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.
- [<sup>F1</sup>(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**

- F1** 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**

- I1** S. 77 in force at 6.4.2010 for E.W. by [S.I. 2010/816](#), **art. 3**
- I2** [S. 77\(1\)\(c\)](#) in force at 2.5.2011 for N.I. by [S.I. 2011/1122](#), **art. 2**
- I3** [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)**

**Status:**

Point in time view as at 02/05/2011. This version of this provision has been superseded.

**Changes to legislation:**

Coroners and Justice Act 2009, Section 77 is up to date with all changes known to be in force on or before 29 June 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.