



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 3

CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

CHAPTER 1

ANONYMITY IN INVESTIGATIONS

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;

Status: Point in time view as at 28/06/2022.

Changes to legislation: Coroners and Justice Act 2009, Section 79 is up to date with all changes known to be in force on or before 14 July 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) in the case of an appeal made in Northern Ireland, as a reference to the chief clerk ^{F1}....

Textual Amendments

- F1** Words in s. 79(6)(b) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 138(2), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art.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

- I1** S. 79 in force at 6.4.2010 for E.W. by S.I. 2010/816, **art. 3**
I2 S. 79(1)-(5)(6)(b) in force at 18.4.2011 for N.I. by S.R. 2011/182, **art. 2(a)(vi)**

Status:

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