
STATUTORY INSTRUMENTS

2009 No. 2100

The Court Martial and Service Civilian Court (Youth Justice and Criminal Evidence Act 1999) Rules 2009

PART 4

Restrictions on reporting

Application for a reporting direction under section 46(6) of the 1999 Act

9.—(1) An application for a reporting direction made by a party to any proceedings, in relation to a witness in those proceedings, must be made in writing or orally under rule 11.

(2) A written application for a reporting direction must include the following information—

- (a) name, address and date of birth of the witness (or the reason for not giving these details);
- (b) brief details of the charges to which the application applies;
- (c) the grounds on which the applicant asserts that, if the direction is not given—
 - (i) the quality of the evidence given by the witness, or
 - (ii) the level of co-operation given by the witness to any party to the proceedings in the preparation of that party's case,

is likely to be diminished by fear or distress if the witness is identified by members of the public as a witness in the proceedings;

- (d) whether the application needs to be determined urgently, and if so why and by when;
 - (e) why a reporting direction—
 - (i) is in the interests of justice; and
 - (ii) is in the public interest in avoiding the imposition of a substantial and unreasonable restriction on the reporting of proceedings.
- (3) If an application for a reporting direction is made in writing, the applicant must—
- (a) send it to the court administration officer; and
 - (b) at the same time, send copies of it to every other party to the proceedings.