
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

Content and conduct of application for a witness anonymity order

- 18.19.**—(1) An applicant for a witness anonymity order must—
- (a) include in the application nothing that might reveal the witness' identity;
 - (b) describe the measures proposed by the applicant;
 - (c) explain how the proposed order meets the conditions prescribed by section 88 of the Coroners and Justice Act 2009⁽¹⁾;
 - (d) explain why no measures other than those proposed will suffice, such as—
 - (i) an admission of the facts that would be proved by the witness,
 - (ii) an order restricting public access to the trial,
 - (iii) reporting restrictions, in particular under sections 45, 45A or 46 of the Youth Justice and Criminal Evidence Act 1999⁽²⁾,
 - (iv) a direction for a special measure under section 19 of the Youth Justice and Criminal Evidence Act 1999,
 - (v) introduction of the witness' written statement as hearsay evidence, under section 116 of the Criminal Justice Act 2003⁽³⁾, or
 - (vi) arrangements for the protection of the witness;
 - (e) attach to the application—
 - (i) a witness statement setting out the proposed evidence, edited in such a way as not to reveal the witness' identity,
 - (ii) where the prosecutor is the applicant, any further prosecution evidence to be served, and any further prosecution material to be disclosed under the Criminal Procedure and Investigations Act 1996, similarly edited, and
 - (iii) any defence statement that has been served, or as much information as may be available to the applicant that gives particulars of the defence; and
 - (f) ask for a hearing, if the applicant wants one.
- (2) At any hearing of the application, the applicant must—

⁽¹⁾ 2009 c. 25.

⁽²⁾ 1999 c. 23; section 45A was inserted by section 78 of the Criminal Justice and Courts Act 2015 (c. 2).

⁽³⁾ 2003 c. 44.

- (a) identify the witness to the court, unless at the prosecutor's request the court otherwise directs; and
- (b) present to the court, unless it otherwise directs—
 - (i) the unedited witness statement from which the edited version has been prepared,
 - (ii) where the prosecutor is the applicant, the unedited version of any further prosecution evidence or material from which an edited version has been prepared, and
 - (iii) such further material as the applicant relies on to establish that the proposed order meets the conditions prescribed by section 88 of the 2009 Act.
- (3) At any such hearing—
 - (a) the general rule is that the court must consider, in the following sequence—
 - (i) representations first by the applicant and then by each other party, in all the parties' presence, and then
 - (ii) information withheld from a defendant, and further representations by the applicant, in the absence of any (or any other) defendant; but
 - (b) the court may direct other arrangements for the hearing.
- (4) Before the witness gives evidence, the applicant must identify the witness to the court—
 - (a) if not already done;
 - (b) without revealing the witness' identity to any other party or person; and
 - (c) unless at the prosecutor's request the court otherwise directs.