

*Status: Point in time view as at 19/10/2009.*

**Changes to legislation:** Crime (International Co-operation) Act 2003, SCHEDULE 2 is up to date with all changes known to be in force on or before 13 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)

## SCHEDULES

### SCHEDULE 2

Sections 30 and 31

#### EVIDENCE GIVEN BY TELEVISION LINK OR TELEPHONE

#### PART 1

#### EVIDENCE GIVEN BY TELEVISION LINK

##### *Securing attendance of witnesses*

- 1 The nominated court has the like powers for securing the attendance of the witness to give evidence through the link as it has for the purpose of proceedings before the court.

##### **Commencement Information**

**I1** Sch. 2 para. 1 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 2 In Scotland the nominated court has power to issue a warrant to officers of law to cite the witness for the purpose of securing his attendance to give evidence through the link, and section 156 of the Criminal Procedure (Scotland) Act 1995 (c. 46) applies in relation to the witness if so cited.

##### **Commencement Information**

**I2** Sch. 2 para. 2 in force at 26.4.2004 by S.I. 2004/786, art. 3

##### *Conduct of hearing*

- 3 The witness is to give evidence in the presence of the nominated court.

##### **Commencement Information**

**I3** Sch. 2 para. 3 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 4 The nominated court is to establish the identity of the witness.

##### **Commencement Information**

**I4** Sch. 2 para. 4 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 5 The nominated court is to intervene where it considers it necessary to do so to safeguard the rights of the witness.

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**Commencement Information**

**I5** Sch. 2 para. 5 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 6 The evidence is to be given under the supervision of the court of the country concerned.

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 7 The evidence is to be given in accordance with the laws of that country and with any measures for the protection of the witness agreed between the Secretary of State and the authority in that country which appears to him to have the function of entering into agreements of that kind.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 8 Rules of court under section 49 must make provision for the use of interpreters.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 26.4.2004 by S.I. 2004/786, art. 3

*Privilege of witness*

- 9 (1) The witness cannot be compelled to give any evidence which he could not be compelled to give in criminal proceedings in the part of the United Kingdom in which the nominated court exercises jurisdiction.
- (2) The witness cannot be compelled to give any evidence if his doing so would be prejudicial to the security of the United Kingdom.
- (3) A certificate signed by or on behalf of the Secretary of State or, where the court is in Scotland, the Lord Advocate to the effect that it would be so prejudicial for that person to do so is to be conclusive evidence of that fact.
- (4) The witness cannot be compelled to give any evidence in his capacity as an officer or servant of the Crown.
- (5) Sub-paragraphs (2) and (4) are without prejudice to the generality of sub-paragraph (1).

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 26.4.2004 by S.I. 2004/786, art. 3

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### *Record of hearing*

- 10 Rules of court under section 49 must make provision—
- (a) for the drawing up of a record of the hearing,
  - (b) for sending the record to the external authority.

#### **Commencement Information**

**I10** Sch. 2 para. 10 in force at 26.4.2004 by S.I. 2004/786, art. 3

## **PART 2**

### **EVIDENCE GIVEN BY TELEPHONE**

#### *Notification of witness*

- 11 The nominated court must notify the witness of the time when and the place at which he is to give evidence by telephone.

#### **Commencement Information**

**I11** Sch. 2 para. 11 in force at 26.4.2004 by S.I. 2004/786, art. 3

#### *Conduct of hearing*

- 12 The nominated court must be satisfied that the witness is willingly giving evidence by telephone.

#### **Commencement Information**

**I12** Sch. 2 para. 12 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 13 The witness is to give evidence in the presence of the nominated court.

#### **Commencement Information**

**I13** Sch. 2 para. 13 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 14 The nominated court is to establish the identity of the witness.

#### **Commencement Information**

**I14** Sch. 2 para. 14 in force at 26.4.2004 by S.I. 2004/786, art. 3

- 15 The evidence is to be given under the supervision of the court of the participating country.

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**Commencement Information**

**I15** Sch. 2 para. 15 in force at 26.4.2004 by S.I. 2004/786, art. 3

16 The evidence is to be given in accordance with the laws of that country.

**Commencement Information**

**I16** Sch. 2 para. 16 in force at 26.4.2004 by S.I. 2004/786, art. 3

17 Rules of court under section 49 must make provision for the use of interpreters.

**Commencement Information**

**I17** Sch. 2 para. 17 in force at 26.4.2004 by S.I. 2004/786, art. 3

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