
Status: Point in time view as at 31/12/2021.

Changes to legislation: *There are currently no known outstanding effects for the Coronavirus Act 2020,
Cross Heading: Use of live link in certain enforcement hearings. (See end of Document for details)*

SCHEDULES

SCHEDULE 24

LIVE LINKS IN OTHER CRIMINAL HEARINGS

PART 1

EXPANSION OF POWERS UNDER THE CRIME AND DISORDER ACT 1998

Use of live link in certain enforcement hearings

- 5 (1) Section 57F has effect as if amended as follows.
- (2) In the heading, “certain” were omitted.
- (3) For subsections (1) to (3) there were substituted—
- “(1) The court may, by a direction (a “live link direction”), require or permit a person to take part in an enforcement hearing through—
- (a) a live audio link, or
 - (b) a live video link.
- (2) But the court may not give a direction for a person to take part in an enforcement hearing through a live audio link or a live video link unless—
- (a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the enforcement hearing in accordance with the direction through the live audio link or through the live video link,
 - (b) the parties to the enforcement hearing have been given the opportunity to make representations, and
 - (c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where the person liable to pay the sum or financial penalty has not attained the age of 18 years and is a party to the hearing.”

(4) In subsection (4) for “Such a direction” there were substituted “ A live link direction under this section ”.

(5) After subsection (4) there were inserted—

“(4A) The power to give a live link direction under this section includes power to give—

 - (a) a direction for a judge or justice to take part in an enforcement hearing through a live audio link or a live video link;
 - (b) a direction that is applicable to several, or all, of the persons participating in a particular enforcement hearing;

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- (c) a direction that is applicable to a particular person in respect of only some aspects of a particular enforcement hearing (such as giving evidence or attending the hearing when not giving evidence);
 - (d) a direction for a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in an enforcement hearing through a live audio link or a live video link.
- (4B) The power of the court to give a direction under this section is subject to Schedule 3A (prohibitions and limitations on use of live links).
- (4C) The court may vary a live link direction under this section; and the provisions of this section and Schedule 3A that apply to the giving of such a direction also apply to the variation of such a direction.”
- (6) In subsection (5), after “relates” there were inserted “(but this does not affect the court’s power to give a further live link direction in relation to the hearing)”.
- (7) For subsection (6) there were substituted—
- “(6) A live link direction under this section may not be rescinded unless—
- (a) the court is satisfied that it is in the interests of justice for the direction to be rescinded,
 - (b) the parties to the enforcement hearing have been given the opportunity to make representations, and
 - (c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where the person liable to pay the sum or financial penalty has not attained the age of 18 years and is a party to the hearing.
- (6A) A live link direction under this section may be varied or rescinded by the court of its own motion or on an application by a party; but such an application may not be made unless there has been a material change of circumstances since the direction was given.”
- (8) For subsection (7) there were substituted—
- “(7) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, the court may require or permit a person to take part in that hearing through—
- (a) a live audio link, or
 - (b) a live video link.
- (7A) In deciding whether to give or rescind a direction under this section the court must consider all the circumstances of the case.
- (7B) Those circumstances include in particular—
- (a) in the case of a direction relating to a witness—
 - (i) the importance of the witness's evidence to the hearing;
 - (ii) whether a direction might tend to inhibit any party from effectively testing the witness's evidence;
 - (b) in the case of a direction relating to any participant in the hearing—
 - (i) the availability of the person;
 - (ii) the need for the person to attend in person;
 - (iii) the views of the person;

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- (iv) the suitability of the facilities at the place where the person would take part in the hearing in accordance with the direction;
 - (v) whether the person will be able to take part in the hearing effectively if he or she takes part in accordance with the direction.”
- (9) Subsection (8) were omitted.
- (10) In subsection (10)(b) for “a preliminary” there were substituted “ an enforcement ”.
- (11) After subsection (10) there were inserted—
- “(11) If any person takes part in an enforcement hearing— other than for the purpose of giving evidence — through a live audio link, the court may not—
 - (a) impose imprisonment or detention in default of payment of a sum or financial penalty, or
 - (b) deal with a person for contempt of court (including enquiring into conduct and imposing punishment).”

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