



2015 CHAPTER 9

PART 7

LIVE LINKS IN CRIMINAL PROCEEDINGS

Live links: accused at committal proceedings

49.—(1) This section applies in relation to committal proceedings in a magistrates' court.

(2) Where it appears to the court before which the committal proceedings are to take place that the accused ("A") is likely to be held in custody or detained in hospital during the proceedings, the court may give a live link direction under this section in relation to the attendance of A at the committal proceedings.

(3) A live link direction under this section is a direction requiring A, if A is being held in custody or detained in a hospital during the committal proceedings, to attend those proceedings through a live link from the place at which A is being held or detained.

(4) A is to be treated as present in court when, by virtue of a live link direction under this section, A attends committal proceedings through a live link.

(5) The court may not give a live link direction under this section unless—

- (a) A has given consent to the direction; and
- (b) the court is satisfied that it is not contrary to the interests of justice to give the direction.

(6) The court may not give a live link direction under this section unless—

- (a) it has been notified by the Department that a live link is available between the court and the institution in which the accused is, or is to be, held or detained; and

(b) the notice has not been withdrawn.

(7) The court may rescind a live link direction under this section at any time before or during the committal proceedings to which it relates if it appears to the court to be in the interests of justice to do so (but this does not affect the court's power to give a further live link direction under this section in relation to A).

(8) The court shall not give or rescind a live link direction under this section (whether at a hearing or otherwise) unless A and the prosecutor have been given the opportunity to make representations.

(9) 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 attending the hearing to do so through a live link.

(10) The court must—

(a) state in open court its reasons for refusing to make or rescinding a live link direction under this section; and

(b) cause those reasons to be entered in the Order Book.

(11) If where A is attending committal proceedings through a live link it appears to the court—

(a) that A is not able to see and hear the court and to be seen and heard by it, and

(b) that this cannot be immediately corrected, the court must adjourn the proceedings.

(12) A may not give oral evidence while attending committal proceedings through a live link by virtue of this section unless—

(a) A consents to give evidence in that way; and

(b) the court is satisfied that it is not contrary to the interests of justice for A to give evidence in that way.

(13) In this section—

(a) references to A being held in custody are references to A's being held in custody in a prison, young offenders centre, juvenile justice centre or other institution;

(b) references to A being detained in hospital are references to A's being detained in a hospital under Part 2 or 3 of the Mental Health (Northern Ireland) Order 1986;

(c) "live link" means an arrangement by which a person (when not in the place where the proceedings are being held) is able to see and hear, and to be seen and heard by, the court during the proceedings (and for this purpose any impairment of eyesight or hearing is to be disregarded);

(d) "the Order Book" means the Order Book required to be kept under rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1984.