

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Justice Act (Northern Ireland) 2015, Section 50 is up to date with all changes known to be in force on or before 29 May 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) View outstanding changes*



## 2015 CHAPTER 9

### PART 7

#### LIVE LINKS IN CRIMINAL PROCEEDINGS

PROSPECTIVE

##### **Live links from another courtroom: first remands, etc.**

- 50.**—(1) This section applies in relation to hearings which are—
- (a) held in a magistrates' court in relation to a person (“A”)—
    - (i) where A is in custody, is charged with an offence and is appearing before the court for the first time in connection with that charge;
    - (ii) where A has been arrested in pursuance of a warrant issued under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 and is brought before the court for the first time after A's arrest;
    - (iii) where A has been arrested under Article 6 of the Criminal Justice (Northern Ireland) Order 2003, or in pursuance of a warrant issued under that Article, and is brought before the court for the first time after A's arrest; or
    - (iv) where A has been arrested in pursuance of a warrant issued under Article 25 of the Magistrates' Courts (Northern Ireland) Order 1981 or section 51(3) of the Judicature (Northern Ireland) Act 1978 and is brought before the court for the first time after A's arrest; and
  - (b) held on—
    - (i) a Saturday;

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- (ii) a Sunday, or
- (iii) a public holiday.

(2) Where it appears to the court before which the hearing is to take place that A is likely to be present in another courtroom during the hearing, the court may give a live link direction under this section in relation to the attendance of A at the hearing.

(3) A live link direction under this section is a direction requiring A, if A is present in another courtroom during the hearing, to attend the hearing through a live link from that courtroom.

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

(5) A court may not give a live link direction under this section unless the court is satisfied that it is not contrary to the interests of justice to give the direction.

(6) A 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 courtroom in which the accused is to be present; 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 hearing to which it relates.

(8) If a hearing takes place in relation to the giving or rescinding of a live link direction, the court may require or permit a person attending the hearing to do so through a live link.

(9) If where A is attending a hearing 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 hearing.

(10) In this section “live link” means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during the hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded).

(11) The Department may by order—

- (a) amend subsection (1) by adding any description of hearing to the list in paragraph (a) of that subsection;

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(b) amend subsection (1) by adding any day of the week to the list in paragraph (b) of that subsection or removing any day for the time being in that list;

(c) repeal subsection (1)(b) (and the word “and” immediately before it).

(12) Nothing in this section affects the operation of the Sunday Observance Act (Ireland) 1695 or section 13 of the Criminal Justice Act (Northern Ireland) 2013.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(2A) substituted for s. 13(2) by [2022 c. 4 \(N.I.\) s. 4\(5\)](#)
- s. 13(4)(5) added by [2022 c. 4 \(N.I.\) s. 4\(6\)](#)
- s. 13A inserted by [2022 c. 4 \(N.I.\) s. 4\(7\)](#)
- s. 13A inserted by [2022 c. 4 \(N.I.\) s. 4\(7\)](#)
- Sch. 2 para. 8(1) Sch. 2 para. 8 renumbered as Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- Sch. 2 para. 8(2) inserted by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 2 para. 8(1) words substituted by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)