
STATUTORY INSTRUMENTS

1999 No. 2789

The Criminal Evidence (Northern Ireland) Order 1999

[^{F1}PART 2A

USE OF LIVE LINK FOR EVIDENCE OF CERTAIN ACCUSED PERSONS

F1 Pt. 2A (arts. 21A-21C) inserted (2.2.2009) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **82(2)**; S.R. 2008/472, art. **2(4)**, Sch. Pt. IV

[^{F2}Live link directions

21A.—(1) This Article applies—

- (a) to any proceedings in a magistrates' court or before the Crown Court against a person for an offence; and
- (b) to any proceedings in the county court on an appeal by a person under Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981;

and in this Article references to “A” are to the person concerned.

(2) The court may, on the application of A, give a live link direction if it is satisfied—

- (a) that the conditions in paragraph (4) or paragraph (5) are met in relation to A when the application is made; and
- (b) that it is in the interests of justice for A to give evidence through a live link.

(3) A live link direction is a direction that any oral evidence to be given before the court by A is to be given through a live link.

(4) The conditions in this paragraph are that—

- (a) A has a physical disability or suffers from a physical disorder; and
- (b) A's ability to participate effectively in the proceedings as a witness giving oral evidence in court is for that reason compromised.

(5) The conditions in this paragraph are—

- (a) if A is aged under 18, that—
 - (i) A's ability to participate effectively in the proceedings as a witness giving oral evidence in court is compromised by A's level of intellectual ability or social functioning; and
 - (ii) use of a live link would enable A to participate more effectively in the proceedings as a witness (whether by improving the quality of A's evidence or otherwise);
- (b) if A is aged 18 or over, that—
 - (i) A suffers from a mental disorder (within the meaning of the Mental Health (Northern Ireland) Order 1986) or otherwise has a significant impairment of intelligence and social function;

Status: Point in time view as at 05/07/2011.

Changes to legislation: The Criminal Evidence (Northern Ireland) Order 1999, PART 2A is up to date with all changes known to be in force on or before 14 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)

- (ii) A is for that reason unable to participate effectively in the proceedings as a witness giving oral evidence in court; and
- (iii) use of a live link would enable A to participate more effectively in the proceedings as a witness (whether by improving the quality of A's evidence or otherwise).

(6) While a live link direction has effect A may not give oral evidence before the court in the proceedings otherwise than through a live link.

(7) The court may discharge a live link direction at any time before or during any hearing to which it applies if it appears to the court to be in the interests of justice to do so (but this does not affect the power to give a further live link direction in relation to A). The court may exercise this power of its own motion or on an application by a party.

(8) The court must state in open court its reasons for—

- (a) giving or discharging a live link direction, or
- (b) refusing an application for or for the discharge of a live link direction,

and, if it is a magistrates' court, it must cause those reasons to be entered in the Order Book.]

F2 Art. 21A substituted (5.7.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 19, 111(3) (with s. 106(4)); S.R. 2011/224, art. 2(a)

Meaning and effect of live link.

21B.—(1) In Article 21A “live link” means an arrangement by which the accused, while absent from the place where the proceedings are being held, is able—

- (a) to see and hear a person there; and
- (b) to be seen and heard by the persons mentioned in paragraph (2);

and for this purpose any impairment of eyesight or hearing is to be disregarded.

(2) The persons are—

- (a) the judge and the jury (if there is one);
- (b) where there are two or more accused in the proceedings, each of the other accused;
- (c) legal representatives acting in the proceedings; and
- (d) any interpreter or other person appointed by the court to assist the accused.

Saving

21C. Nothing in this Part affects—

- (a) any power of a court to make an order, give directions or give leave of any description in relation to any witness (including an accused), or
- (b) the operation of any rule of law relating to evidence in criminal proceedings.]

Status:

Point in time view as at 05/07/2011.

Changes to legislation:

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