

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2004

S.I. 2004 No. 1500 (N.I. 9)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Part III - Live links in criminal proceedings

Live links in criminal proceedings

22. **Article 10** enables a court to authorise witnesses, other than the defendant, to give evidence through a live link in certain criminal proceedings. “Live link” is defined in Article 15(2) and will usually mean a television link, but could apply to any technology with the same effect such as video conferencing facilities or the internet. The criminal proceedings in which these may be authorised are broadly those proceedings in which there is the possibility of a witness giving contested evidence in respect of the facts of the offence.
23. Sub-paragraphs 4(a) and (b) provide that a court may only authorise the use of a live link if:
 - It is in the interests of the efficient or effective administration of justice for the witness to give evidence by way of a live link (eg. from his place of work in a different part of the UK, rather than travelling to court); and
 - The court has been notified by the Secretary of State that suitable facilities are available in the area where the proceedings are to take place: this will allow for the phased implementation of the facilities required for live links.
24. The responsibility for ensuring that there are facilities in the remote location from which the witness intends to give evidence falls to the parties and is not covered by this Article.