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## STATUTORY INSTRUMENTS

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# 2008 No. 1216

## The Criminal Justice (Northern Ireland) Order 2008

### PART 5 N.I.

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Live links*

##### **Use of live link at preliminary hearings N.I.**

**80.**—(1) This Article applies in relation to a preliminary hearing in a magistrates' court [<sup>F1</sup>, the Crown Court or the High Court].

(2) Where it appears to the court before which the preliminary hearing is to take place that the accused is likely to be held in custody during the hearing, the court may give a live link direction under this Article in relation to the attendance of the accused at the hearing.

(3) A live link direction under this Article is a direction requiring the accused, if he is being held in custody during the hearing, to attend it through a live link from the place at which he is being held.

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

(5) The court shall not give or rescind a live link direction under this Article (whether at a hearing or otherwise) unless the parties to the proceedings have been given the opportunity to make representations.

(6) If in a case where it has power to do so a magistrates' court decides not to give a live link direction under this Article, it shall—

- (a) state in open court its reasons for not doing so; and
- (b) cause those reasons to be entered in the Order Book.

(7) Subject to paragraph (8), if where the accused is attending a preliminary hearing through a live link it appears to the court—

- (a) that the accused 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 shall adjourn the hearing.

(8) The court may proceed with the hearing if it is satisfied that it is not reasonably practicable to bring the accused to court before he ceases to be held in custody.

(9) If the court proceeds with the hearing under paragraph (8) it shall not remand the accused in custody for a period exceeding 8 days commencing on the day following that on which it remands him.

*Status: Point in time view as at 05/07/2011. This version of this provision has been superseded.*

*Changes to legislation: The Criminal Justice (Northern Ireland) Order 2008, Section 80 is up to date with all changes known to be in force on or before 01 October 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)*

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#### **Textual Amendments**

- F1** Words in [art. 80\(1\)](#) substituted (5.7.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), [ss. 15\(2\)](#), [111\(3\)](#) (with [s. 106\(4\)](#)); [S.R. 2011/224](#), [art. 2](#)

**Status:**

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**Changes to legislation:**

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