



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

Evidence: special provisions

[^{F1}62 Television links and video recordings.

- (1) In section 32 of the ^{M1}Criminal Justice Act 1988 (evidence through television links) the following subsections shall be inserted after subsection (3B)—

“(3C) Where—

- (a) the court gives leave for a person to give evidence through a live television link, and
- (b) the leave is given by virtue of subsection (1)(b) above,

then, subject to subsection (3D) below, the person concerned may not give evidence otherwise than through a live television link.

- (3D) In a case falling within subsection (3C) above the court may give permission for the person to give evidence otherwise than through a live television link if it appears to the court to be in the interests of justice to give such permission.

(3E) Permission may be given under subsection (3D) above—

- (a) on an application by a party to the case, or
- (b) of the court’s own motion;

but no application may be made under paragraph (a) above unless there has been a material change of circumstances since the leave was given by virtue of subsection (1)(b) above.”

Changes to legislation: *Criminal Procedure and Investigations Act 1996, Section 62 is up to date with all changes known to be in force on or before 07 July 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*

- (2) In section 32A of the ^{M2}Criminal Justice Act 1988 (video recordings of testimony from child witnesses) the following subsections shall be inserted after subsection (6)—
- “(6A) Where the court gives leave under subsection (2) above the child witness shall not give relevant evidence (within the meaning given by subsection (6D) below) otherwise than by means of the video recording; but this is subject to subsection (6B) below.
- (6B) In a case falling within subsection (6A) above the court may give permission for the child witness to give relevant evidence (within the meaning given by subsection (6D) below) otherwise than by means of the video recording if it appears to the court to be in the interests of justice to give such permission.
- (6C) Permission may be given under subsection (6B) above—
- (a) on an application by a party to the case, or
 - (b) of the court’s own motion;
- but no application may be made under paragraph (a) above unless there has been a material change of circumstances since the leave was given under subsection (2) above.
- (6D) For the purposes of subsections (6A) and (6B) above evidence is relevant evidence if—
- (a) it is evidence in chief on behalf of the party who tendered the video recording, and
 - (b) it relates to matter which, in the opinion of the court, is dealt with in the recording and which the court has not directed to be excluded under subsection (3) above.”

(3) This section applies where the leave concerned is given on or after the appointed day.

(4) The reference in subsection (3) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.]

Extent Information

E1 In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

Textual Amendments

F1 S. 62 repealed (E.W.) (24.7.2002) and (N.I.) (prosp.) by 1999 c. 23, s. 67, Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, art. 2(g)(vii); and by S.I. 1999/2789 (N.I. 8), arts. 1(2), 40(3), Sch. 3

Marginal Citations

M1 1988 c. 33.
M2 1988 c. 33.

Changes to legislation:

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Changes and effects yet to be applied to :

- [s. 62 repealed by S.I. 1999/2789 \(N.I.\) Sch. 3](#)

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. 1\(6\) added by 1997 c. 39 s. 9\(4\)](#)
- [s. 5\(1A\) amendment to earlier affecting provision 2015 c. 9 \(N.I.\), Sch. 2 para. 8 by 2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- [s. 5\(1A\) inserted by 2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- [s. 5\(1A\) words substituted in earlier affecting provision 2015 c. 9 \(N.I.\), Sch. 2 para. 8\(1\) by 2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- [s. 13\(1\)\(ba\)\(b\) substituted for s. 13\(1\)\(b\) by 2015 c. 9 \(N.I.\), Sch. 2 para. 8\(2\) \(as inserted\) by 2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- [Sch. 4 para. 4\(f\) and word added by S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)