



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

Evidence: special provisions

62 Television links and video recordings

(1) In section 32 of the 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.”

Status: This is the original version (as it was originally enacted).

- (2) In section 32A of the 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.