

Status: Point in time view as at 28/04/2022.

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SCHEDULES

[^{F1}SCHEDULE 3A

PROHIBITIONS AND LIMITATIONS ON USE OF LIVE LINKS

Textual Amendments

- F1** Sch. 3A inserted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 24 para. 7 (with ss. 88-90)

PART 1

DIRECTIONS UNDER SECTION 57B — PRELIMINARY HEARINGS

Introduction

- 1 This Part of this Schedule applies to the conduct of preliminary hearings in accordance with live link directions under section 57B.

Use of audio links

- 2 (1) The accused may not take part in a preliminary hearing through a live audio link for the purpose of giving evidence.
- (2) A person (other than the accused) may not take part in a preliminary hearing through a live audio link for the purpose of giving evidence unless—
- (a) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (b) the parties agree to that person giving evidence through a live audio link.
- (3) This paragraph does not apply to a preliminary hearing if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the hearing (but see paragraph 4).

Disputed bail hearings

- 3 (1) This paragraph applies to a preliminary hearing at which the court is deciding whether to grant or continue bail if the making of the decision is disputed (including where the court is minded to refuse or revoke bail of its own motion).
- (2) The accused may not take part in the hearing through a live audio link.
- (3) A person (other than the accused) may not take part in the hearing through a live audio link unless—
- (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,

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- (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
- (c) the parties agree to that person giving evidence through a live audio link.

Contempt of court

- 4 (1) This paragraph applies to a preliminary hearing at which the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment).
- (2) The accused may not take part in the hearing through a live audio link.
- (3) A person (other than the accused) may not take part in the hearing through a live audio link unless—
- (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.
- (4) References in this paragraph to the accused include references to the person whom the court is minded to deal with for contempt of court.

Unfitness to plead

- 5 (1) This paragraph applies to a hearing under section 4 of the Criminal Procedure (Insanity) Act 1964.
- (2) The hearing may not be conducted wholly as a video hearing.
- (3) The accused may not take part in the hearing through a live audio link.
- (4) A person (other than the accused) may not take part in the hearing through a live audio link unless—
- (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.

Acceptance of a guilty plea

- 6 (1) This paragraph applies to a preliminary hearing at which the accused is expected to plead guilty.
- (2) The accused may not take part in the hearing through a live audio link.
- (3) A person (other than the accused) may not take part in the hearing through a live audio link unless—
- (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.

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Other limitations to apply also

- 7 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57B(3)) which apply to the exercise of the power to give a direction under section 57B(2).

PART 2

DIRECTIONS UNDER SECTION 57E — SENTENCING HEARINGS

Introduction

- 8 This Part of this Schedule applies to the conduct of sentencing hearings in accordance with live link directions under section 57E.

Use of live audio links

- 9 (1) The offender may not take part in a sentencing hearing through a live audio link.
(2) A person (other than the offender) may not take part in a sentencing hearing through a live audio link unless—
(a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
(b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
(c) the parties agree to that person giving evidence through a live audio link.

Other limitations to apply also

- 10 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57E(2)) which apply to the exercise of the power to give a direction under section 57E(1).

PART 3

DIRECTIONS UNDER SECTION 57F — ENFORCEMENT HEARINGS

Introduction

- 11 This Part of this Schedule applies to the conduct of enforcement hearings in accordance with live link directions under section 57F.

Use of live audio links

- 12 (1) The person liable to pay the relevant sum may not take part in an enforcement hearing through a live audio link for the purpose of giving evidence.
(2) A person (other than the person liable to pay the relevant sum) may not take part in an enforcement hearing through a live audio link for the purpose of giving evidence unless—

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- (a) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (b) the parties to the hearing agree to that person giving evidence through a live audio link.
- (3) In this paragraph “relevant sum” means the sum or financial penalty whose collection, discharge, satisfaction or enforcement the enforcement hearing is concerned with.
- (4) This paragraph does not apply to an enforcement hearing if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the hearing (but see paragraph 14).

Hearing where court minded to impose imprisonment or detention

- 13 (1) This paragraph applies to an enforcement hearing if the court is minded to impose imprisonment or detention on a person (the “defaulter”) in default of payment of a sum or financial penalty at the hearing.
- (2) The defaulter may not take part in the hearing through a live audio link.
- (3) A person (other than the defaulter) may not take part in the hearing through a live audio link unless—
- (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties to the hearing agree to that person giving evidence through a live audio link.

Contempt of court

- 14 (1) This paragraph applies to an enforcement hearing at which the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment).
- (2) The person liable to pay the relevant sum may not take part in the hearing through a live audio link.
- (3) A person (other than the person liable to pay the relevant sum) may not take part in the hearing through a live audio link unless—
- (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties to the hearing agree to that person giving evidence through a live audio link.
- (4) In this paragraph—
- (a) “relevant sum” means the sum or financial penalty whose collection, discharge, satisfaction or enforcement the enforcement hearing is concerned with;

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- (b) references in this paragraph to the person liable to pay the relevant sum include references to the person whom the court is minded to deal with for contempt of court.

Other limitations to apply also

- 15 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57F(2)) which apply to the exercise of the power to give a direction under section 57F.]

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