
Status: Point in time view as at 25/03/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, Cross Heading: Interpretation etc. (See end of Document for details)

SCHEDULES

SCHEDULE 24

LIVE LINKS IN OTHER CRIMINAL HEARINGS

PART 1

EXPANSION OF POWERS UNDER THE CRIME AND DISORDER ACT 1998

Interpretation etc

- 2 (1) Section 57A has effect as if amended as follows.
- (2) For subsections (1) and (2) there were substituted—
- “(1A) This Part applies to—
- (a) preliminary hearings and sentencing hearings in the course of proceedings for an offence, and
 - (b) enforcement hearings.”
- (3) In subsection (3)—
- (a) before the definition of “confiscation order” there were inserted—

““bail” includes remand to local authority accommodation in accordance with Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;”;
 - (b) the definitions of “confiscation order” and “custody” were omitted;
 - (c) for the definition of “enforcement hearing” there were substituted—

““enforcement hearing” means a hearing relating to collection, discharge, satisfaction or enforcement of—

 - (a) a sum that has been adjudged to be paid on conviction by a magistrates' court or the Crown Court, or
 - (b) a financial penalty that is enforceable in accordance with section 85(6) and (7) of the Criminal Justice and Immigration Act 2008 as if it were such a sum (including a hearing to determine whether a financial penalty is so enforceable);”;
 - (d) the definitions of “live link” and “police detention” were omitted;
 - (e) after the definition of “preliminary hearing” there were inserted—

““relevant youth offending team”, in relation to a case where—

 - (a) the accused, the offender or the person liable to pay the sum or financial penalty has not attained the age of 18 years, or
 - (b) the accused or the offender has attained the age of 18 years since proceedings for the offence were begun, and the court

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- has decided to continue to deal with the case as if he or she had not attained that age,
- means the youth offending team (established under section 39) whose functions are exercisable in relation to the accused, the offender or the person liable to pay the sum or financial penalty;”;
- (f) in the definition of “sentencing hearing”—
- (i) paragraph (a) were omitted;
 - (ii) in paragraph (b), “or” were omitted;
 - (iii) in paragraph (c), for “offence.” there were substituted “ offence (including reviewing, amending or revoking such a sentence or determination); or ”;
 - (iv) after paragraph (c) there were inserted—
 - “(d) determining—
 - (i) how the offender has complied with a sentence given in respect of the offence, or
 - (ii) how the offender should be dealt with in respect of compliance with such a sentence;
- and here “sentence” includes any way in which a court has determined that the offender should be dealt with in respect of the offence.”
- (4) After subsection (3) there were inserted—
- “(4) A reference to a person taking part in a hearing includes—
- (a) giving evidence in the hearing, and
 - (b) attending the hearing when not giving evidence.
- (5) A “live audio link”, in relation to a person (P) taking part in a hearing, is a live telephone link or other arrangement which—
- (a) enables P to hear all other persons taking part in the hearing who are not in the same location as P, and
 - (b) enables all other persons taking part in the hearing who are not in the same location as P to hear P.
- (6) A hearing is conducted wholly as an audio hearing if—
- (a) directions have been given under section 57B, 57E or 57F for all of the persons taking part in the hearing to do so through a live audio link, and
 - (b) all of those persons take part in the hearing in accordance with those directions.
- (7) A “live video link”, in relation to a person (P) taking part in a hearing, is a live television link or other arrangement which—
- (a) enables P to see and hear all other persons taking part in the hearing who are not in the same location as P, and
 - (b) enables all other persons taking part in the hearing who are not in the same location as P to see and hear P.
- (8) A hearing is conducted wholly as a video hearing if—

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- (a) directions have been given, whether under section 57B, 57E or 57F or any other power, for all of the persons taking part in the hearing to do so through a live video link, and
 - (b) all of those persons take part in the hearing in accordance with those directions.
- (9) The following matters are to be disregarded for the purposes of subsections (5) and (7)—
- (a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;
 - (b) the effect of any direction or order which provides for one person taking part in a hearing to be prevented by means of a screen or other arrangement from seeing another person taking part in the hearing.
- (10) Subsections (4) to (9) apply for the purposes of this Part.
- (11) Nothing in this Part is to be regarded as affecting any power of a court—
- (a) to make an order, give directions or give leave of any description in relation to any witness (including the accused), or
 - (b) to exclude evidence at its discretion (whether by preventing questions being put or otherwise).”

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