

1988 No. 2159 (L. 28)

SUPREME COURT OF ENGLAND AND WALES

The Criminal Appeal (Amendment) Rules 1988

<i>Made</i> - - - -	<i>8th December 1988</i>
<i>Laid before Parliament</i>	<i>13th December 1988</i>
<i>Coming into force</i>	<i>5th January 1989</i>

We, the Crown Court Rule Committee, in exercise of the powers conferred on us by sections 84(1) and (2), 86 and 87(4) of the Supreme Court Act 1981(a) and section 32(4) of the Criminal Justice Act 1988(b), hereby make the following Rules:-

1. These Rules may be cited as the Criminal Appeal (Amendment) Rules 1988 and shall come into force on 5th January 1989.
2. The Criminal Appeal Rules 1968(c) shall be amended by inserting, after rule 9, the following new rule:-

"Evidence through television link where witness is under 14

9A.—(1) A party to an appeal who applies for leave to call a witness may also apply for leave under section 32(1) of the Criminal Justice Act 1988 for the evidence of that witness to be given through a live television link where the witness is under the age of 14 and where the offence charged is specified in section 32(2).

(2) An application under paragraph (1) shall be made by serving a notice in writing on the Registrar which shall state:

- (a) the grounds of the application,
- (b) the date of birth of the witness,
- (c) the name of the witness, and
- (d) the name, occupation and relationship (if any) to the witness of the person proposed to accompany the witness, if known.

(3) An application under paragraph (1) shall be made at the same time as the application for leave to call the witness or at any time thereafter, but no less than 14 days before the date fixed for the hearing of the appeal except with the leave of the court.

(4) The Registrar shall, as soon as practicable after receiving an application under paragraph (1) send a copy of the notice to the other parties to the appeal.

(5) An application under paragraph (1) shall be determined without a hearing, unless the Court otherwise directs, and the Registrar shall notify the applicant and the other parties of the time and place of any such hearing.

(6) Without prejudice to rule 15, the Registrar shall notify all the parties of the decision of the court in relation to an application under paragraph (1) and, where leave is granted, the notification shall state the name of the witness, and, if known, the name, occupation and relationship (if any) to the witness of the person who is to accompany the witness.

(7) A witness under the age of 14 shall, when giving evidence through a television link, be accompanied by a person acceptable to the Court and, unless the Court otherwise directs, by no other person."

*Mackay of Clashfern C.
Lane, C.J.
Stephen Brown, P.
Richard Rougier, J.
Douglas Brown
Richard Lowry
Michael McKenzie
M. J. Langton
David Jeffries
Michael Kalisher
L. Naylor
S. T. Hammond*

8th December 1988

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Criminal Appeal Rules 1968 so as to provide for applications under section 32(1)(b) of the Criminal Justice Act 1988 (evidence through television links of witness under 14).

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