

1990 No. 2157 (L. 20)

**SUPREME COURT OF ENGLAND AND WALES**

**The Crown Court (Amendment) Rules 1990**

*Made - - - - 30th October 1990*

*Laid before Parliament 5th November 1990*

*Coming into force 26th November 1990*

We, the Crown Court Rule Committee, in exercise of the powers conferred on us by sections 84(1) and 86 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 Crown Court (Amendment) Rules 1990 and shall come into force on 26th November 1990.

2. The Crown Court Rules 1982 (c) shall be amended by inserting after rule 23A(d) the following rule:

**“Evidence through television link where witness is outside United Kingdom**

**23B.—(1)** Any party may apply for leave under section 32(1) of the Criminal Justice Act 1988 for evidence to be given through a live television link by a witness who is outside the United Kingdom.

(2) An application under paragraph (1), and any matter relating thereto which, by virtue of the following provisions of this rule, falls to be determined by the Crown Court, may be dealt with in chambers by any Judge of the Crown Court.

(3) An application under paragraph (1) shall be made by giving notice in writing, which shall be in the form prescribed in Schedule 6 or a form to the like effect.

(4) An application under paragraph (1) shall be made within 28 days after the date of the committal of the defendant or, as the case may be, of the giving of a notice of transfer under section 4(1)(c) of the Criminal Justice Act 1987(e), or of the preferral of a bill of indictment in relation to the case.

(5) The period of 28 days in paragraph (4) may be extended by the Crown Court, either before or after it expires, on an application made in writing, specifying the grounds of the application. The appropriate officer of the Crown Court shall notify all the parties of the decision of the Crown Court.

(6) The notice under paragraph (3) or any application under paragraph (5) shall be sent to the appropriate officer of the Crown Court and at the same time a copy thereof shall be sent by the applicant to every other party to the proceedings.

(7) A party who receives a copy of a notice under paragraph (3) shall, within 28 days of the date of the notice, notify the applicant and the appropriate officer of the Crown Court, in writing —

- (a) whether or not he opposes the application, giving his reasons for any such opposition, and
  - (b) whether or not he wishes to be represented at any hearing of the application.
- (8) After the expiry of the period referred to in paragraph (7), the Crown Court shall determine whether an application under paragraph (1) is to be dealt with —
- (a) without a hearing, or
  - (b) at a hearing at which the applicant and such other party or parties as the court may direct may be represented,
- and the appropriate officer of the Crown Court shall notify the applicant and, where necessary, the other party or parties, of the time and place of any such hearing.
- (9) The appropriate officer of the Crown Court shall notify all the parties of the decision of the Crown Court in relation to an application under paragraph (1) and, where leave is granted, the notification shall state —
- (a) the country in which the witness will give evidence,
  - (b) if known, the place where the witness will give evidence,
  - (c) where the witness is to give evidence on behalf of the prosecutor, or where disclosure is required by section 11 of the Criminal Justice Act 1967(a) (alibi) or by rules under section 81 of the Police and Criminal Evidence Act 1984(b) (expert evidence), the name of the witness,
  - (d) the location of the Crown Court at which the trial should take place, and
  - (e) any conditions specified by the Crown Court in accordance with paragraph (10).

(10) The Crown Court dealing with an application under paragraph (1) may specify that as a condition of the grant of leave the witness should give the evidence in the presence of a specified person who is able and willing to answer under oath or affirmation any questions the trial judge may put as to the circumstances in which the evidence is given, including questions about any persons who are present when the evidence is given and any matters which may affect the giving of the evidence.”

3. The Crown Court Rules 1982 shall be further amended by adding the Schedule set out in the Schedule to these Results.

*Mackay of Clashfern, C.,  
Lane, C. J.,  
Russell, L. J.,  
J. A. Henham,  
Richard Lowry,  
Michael McKenzie,  
P.F. Guggenheim,  
David Jeffreys,  
M. D. L. Kalisher,  
L. Naylor,  
S. T. Hammond.*

30th October 1990

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(a) 1967 c.80. (b) 1984 c.60; S.I. 1987/716.

SCHEDULE

Rule 3

SCHEDULE 6

Notice of Application for leave to use television link where witness is outside the United Kingdom, under Section 32(1)(a) of the Criminal Justice Act 1988

- An application should be made within **28 days** after the day on which the case was committed for trial, on which notice of transfer was given, or on which a bill of indictment was preferred. If made after the expiry of this period, this notice can be used but should be accompanied by a statement giving good reasons why the application was not made within it.

- A copy of this form must be sent at the same time to the other party or parties to the case.

Case Details

\* delete as appropriate

The Crown Court at

Crown Court Case Number:

State the name(s) of the defendant(s) to whom this application relates

Date of: Committal for trial\*; notice of transfer given\*; preferral of bill of indictment\*:

Defendant(s): Surname:

Forenames:

Application

Name of Applicant:

Name of Applicant's Solicitor:

Address of Solicitor:

Reference:

Give brief details of those charges to which this application applies

Charges

Witness

- Please read the Note beside this section before completing it.

Note: An application by the defence for evidence to be given through live television link need not disclose who that witness is except to the extent that disclosure is required by Section 11 of the Criminal Justice Act 1967 (alibi) or by rules under Section 81 of the Police and Criminal Evidence Act 1984 (expert evidence).

Name of witness (if applicable):

Country and place where it is proposed the witness will be when giving evidence:

Person abroad who can tell the court through the television link about the circumstances in which the witness is giving evidence

Name of the person who it is proposed should be present when the witness is giving evidence:

Occupation of this person (in full):

Whether this person has agreed to accompany the witness and to make statements under oath or affirmation about the circumstances in which the witness gives evidence through a television link:

Grounds for applying

Signature of applicant

or applicant's solicitor:

Date:

Application for leave to use television link where witness is outside the United Kingdom

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Crown Court Rules 1982 so as to provide for applications under section 32(1)(a) of the Criminal Justice Act 1988 (evidence through live television link where a witness is outside the United Kingdom). Section 32(1)(a) was brought into force for the purposes of proceedings for homicide, proceedings being conducted by the Director of the Serious Fraud Office and proceedings for serious and complex fraud where there has been given a notice of transfer, on 26th November 1990, (Criminal Justice Act 1988 (Commencement No. 12) Order 1990 (S.I. 1990/2084)).

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