



## 2011 CHAPTER 24

### **PART 2**

#### LIVE LINKS

##### **Live links in the Court of Appeal**

**18.—**(1) The Court of Appeal may at any time give a live link direction in relation to any proceedings to which this section applies if a party to the proceedings (“P”) is expected to be in custody.

- (2) This section applies to proceedings in the Court of Appeal—
- (a) on an appeal under Part 4 of the Criminal Justice (Northern Ireland) Order 2004 (NI 9);
  - (b) on an appeal under section 74(8) of the Serious Organised Crime and Police Act 2005 (c. 15);
  - (c) on an appeal under section 24 of the Serious Crime Act 2007 (c. 27);
  - (d) on a reference under section 36 of the Criminal Justice Act 1988 (c. 33);
  - (e) on an application for bail under section 17 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47).
- (3) For the purposes of this section—
- (a) a “live link direction” is a direction that P (if P is being held in custody at the time of the proceedings) is to attend the proceedings through a live link from the place at which P is held;
  - (b) “live link” means an arrangement by which P is able to see and hear, and to be seen and heard by, the Court of Appeal (and for this purpose any impairment of eyesight or hearing is to be disregarded); and
  - (c) P is a party to any proceedings—

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**Changes to legislation:** There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Section 18. (See end of Document for details)

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- (i) in the case of an appeal, if P is the appellant or respondent or if the appeal relates to an order or ruling made in respect of P or made in respect of proceedings in which P is the accused;
  - (ii) in the case of a reference or application, if P's sentencing or admission to bail is the subject of the reference or application.
- (4) The Court of Appeal—
  - (a) shall not give a live link direction unless—
    - (i) P has consented to the direction; and
    - (ii) any other party to the proceedings has had the opportunity to make representations about the giving of such a direction; and
  - (b) may rescind a live link direction at any time before or during any proceedings to which it applies (whether of its own motion or on the application of a party).
- (5) The Court of Appeal must not give a live link direction unless—
  - (a) it has been notified by the Department that a live link is available between the Court and the institution at which P is expected to be in custody; and
  - (b) the notice has not been withdrawn.
- (6) A live link direction does not apply to the giving of oral evidence by P at any hearing unless that direction, or any subsequent direction of the Court, provides expressly for the giving of such evidence through a live link.
- (7) In section 45(2) of the Criminal Appeal (Northern Ireland) Act 1980 (powers exercisable by single judge) at the end of paragraph (fa) add “ or under section 18 of the Justice Act (Northern Ireland) 2011 ”.

**Changes to legislation:**

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Section 18.