



2011 CHAPTER 24

PART 2

LIVE LINKS

Live link direction for vulnerable accused or appellant

19. For Article 21A of the [Criminal Evidence \(Northern Ireland\) Order 1999 \(NI 8\)](#) (live link directions for certain vulnerable accused) substitute—

“Live link directions

21A.—(1) This Article applies—

- (a) to any proceedings in a magistrates’ court or before the Crown Court against a person for an offence; and
- (b) to any proceedings in the county court on an appeal by a person under Article 140 of the Magistrates’ Courts (Northern Ireland) Order 1981;

and in this Article references to “A” are to the person concerned.

(2) The court may, on the application of A, give a live link direction if it is satisfied—

- (a) that the conditions in paragraph (4) or paragraph (5) are met in relation to A when the application is made; and
- (b) that it is in the interests of justice for A to give evidence through a live link.

(3) A live link direction is a direction that any oral evidence to be given before the court by A is to be given through a live link.

(4) The conditions in this paragraph are that—

- (a) A has a physical disability or suffers from a physical disorder; and
 - (b) A's ability to participate effectively in the proceedings as a witness giving oral evidence in court is for that reason compromised.
- (5) The conditions in this paragraph are—
- (a) if A is aged under 18, that—
 - (i) A's ability to participate effectively in the proceedings as a witness giving oral evidence in court is compromised by A's level of intellectual ability or social functioning; and
 - (ii) use of a live link would enable A to participate more effectively in the proceedings as a witness (whether by improving the quality of A's evidence or otherwise);
 - (b) if A is aged 18 or over, that—
 - (i) A suffers from a mental disorder (within the meaning of the Mental Health (Northern Ireland) Order 1986) or otherwise has a significant impairment of intelligence and social function;
 - (ii) A is for that reason unable to participate effectively in the proceedings as a witness giving oral evidence in court; and
 - (iii) use of a live link would enable A to participate more effectively in the proceedings as a witness (whether by improving the quality of A's evidence or otherwise).
- (6) While a live link direction has effect A may not give oral evidence before the court in the proceedings otherwise than through a live link.
- (7) The court may discharge a live link direction at any time before or during any hearing to which it applies if it appears to the court to be in the interests of justice to do so (but this does not affect the power to give a further live link direction in relation to A).

The court may exercise this power of its own motion or on an application by a party.

- (8) The court must state in open court its reasons for—
- (a) giving or discharging a live link direction, or
 - (b) refusing an application for or for the discharge of a live link direction,

and, if it is a magistrates' court, it must cause those reasons to be entered in the Order Book.”.