



2015 CHAPTER 9

PART 7

LIVE LINKS IN CRIMINAL PROCEEDINGS

Live links: proceedings for failure to comply with certain orders or licence conditions

51.—(1) This section applies to the following proceedings in a magistrates' court or the Crown Court in relation to a person ("the offender")—

- (a) proceedings under Article 27 of the Criminal Justice (Northern Ireland) Order 1996 (failure of the offender to comply with any of the conditions specified in a licence under Article 26 of that Order);
- (b) proceedings under paragraph 3 or 4 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (failure of the offender to comply with any of the requirements of a probation order, community service order, combination order or custody probation order);
- (c) proceedings under Article 38(3) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (failure of the offender to comply with requirements of attendance centre order);
- (d) proceedings under Article 41 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (failure of the offender to comply with supervision requirements under Article 40(2) or (3) of that Order);
- (e) proceedings under paragraphs 3 or 4 of Schedule 1A to the Criminal Justice (Children) (Northern Ireland) Order 1998 (failure of the offender to comply with any requirement of a reparation order, community responsibility order or youth conference order).

(2) If it appears to the court that it is likely that the offender will be held in custody or detained in hospital during any proceedings to which this section applies, the court may give a live link direction under this section in relation to the attendance of the offender at those proceedings.

(3) A live link direction under this section is a direction requiring the offender, if the offender is being held in custody or detained in hospital during the proceedings, to attend them through a live link from the place at which the offender is being held or detained.

(4) The offender is to be treated as present in court when, by virtue of a live link direction under this section, the offender attends proceedings through a live link.

(5) The court may not give a live link direction under this section unless—

- (a) the offender has given consent to the direction; and
- (b) the court is satisfied that it is not contrary to the interests of justice to give the direction.

(6) The court may rescind a live link direction given under this section at any time before or during the proceedings to which it relates if it appears to the court to be in the interests of justice to do so (but this does not affect the court's power to give a further live link direction under this section in relation to the offender).

(7) The court may give or rescind a live link direction under this section of its own motion or on an application by a party.

(8) The offender may not give oral evidence while attending proceedings through a live link by virtue of this section unless—

- (a) the offender consents to give evidence in that way; and
- (b) the court is satisfied that it is not contrary to the interests of justice for the offender to give evidence in that way.

(9) The court must—

- (a) state in open court its reasons for refusing an application for, or for the rescission of, a live link direction under this section; and
- (b) if it is a magistrates' court, cause those reasons to be entered in the Order Book.

(10) If where the offender is attending proceedings through a live link it appears to the court—

- (a) that the offender is not able to see and hear the court and to be seen and heard by it, and
- (b) that this cannot be immediately corrected,

the court must adjourn the proceedings.

(11) A court shall not give a live link direction under this section unless—

- (a) it has been notified by the Department that a live link is available between the court and the institution in which the accused is, or is to be, held in custody or detained; and
 - (b) the notice has not been withdrawn.
- (12) The Department may by order amend subsection (1) by adding—
 - (a) proceedings for failure to comply with an order of a court made on conviction of a person;
 - (b) proceedings for breach of the conditions of a licence granted on release from a custodial sentence.
- (13) In this section—
 - (a) references to a person being held in custody are references to the person's being held in custody in a prison, young offenders centre, juvenile justice centre or other institution;
 - (b) references to a person being detained in hospital are references to the person's being detained in a hospital under Part 2 or 3 of the Mental Health (Northern Ireland) Order 1986;
 - (c) "live link" means an arrangement by which a person (when not in the place where the proceedings are being held) is able to see and hear, and to be seen and heard by, the court during the proceedings (and for this purpose any impairment of eyesight or hearing is to be disregarded);
 - (d) "the Order Book" means the Order Book required to be kept under rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1984.