
STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 5

MISCELLANEOUS AND SUPPLEMENTARY

Live links

Live links: introductory

79.—(1) Articles 80 and 81—

- (a) apply, respectively, to preliminary hearings and sentencing hearings in the course of proceedings for an offence; and
- (b) enable the court in the circumstances provided for in those Articles to direct the use of a live link for securing the accused's attendance at any such hearing.

(2) The accused is to be treated as present in court when, by virtue of a live link direction under either of those Articles, he attends a hearing through a live link.

(3) In this Article and Articles 80 and 81—

- (a) references to a person being held in custody are references to his being held in custody in a prison, young offenders centre, juvenile justice centre or other institution;
- (b) “live link” means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during the hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);
- (c) “the Order Book” means the Order Book required to be kept under rule 19 of the [Magistrates' Courts Rules \(Northern Ireland\) 1984 \(No. 225\)](#);
- (d) “preliminary hearing” means a hearing in the proceedings held before the start of the trial, other than a hearing at which the court may commit the accused for trial;
- (e) “sentencing hearing” means any hearing following conviction which is held for the purpose of—
 - (i) proceedings relating to the giving or rescinding of a live link direction;
 - (ii) sentencing the offender or determining how the court should deal with him in respect of the offence;
- (f) “the start of the trial”—
 - (i) in the case of a trial on indictment, has the meaning given by section 39(3) of the Criminal Procedure and Investigations Act [1996 \(c. 25\)](#); and
 - (ii) in the case of a summary trial, shall be taken to occur—
 - (A) when the court begins to hear evidence for the prosecution at the trial or to consider whether to exercise its power under Article 44(4) of the [Mental](#)

[Health \(Northern Ireland\) Order 1986 \(NI 4\)](#) (power to make hospital order without convicting the accused), or

(B) if the court accepts a plea of guilty without proceeding as mentioned in head (A), when that plea is accepted.

(4) A court shall not give a live link direction under Article 80 or 81 unless—

- (a) it has been notified by the Secretary of State that a live link is available between the court and the institution in which the accused is or is to be held in custody; an
- (b) the notice has not been withdrawn.