
STATUTORY INSTRUMENTS

2000 No. 2370

The Summary Appeal Court (Navy) Rules 2000

PART V

EVIDENCE

Evidence through television link etc.

29.—(1) A person other than the appellant may give evidence through a live television link or other similar arrangements (“live link”) if the witness is not in the country where the court is sitting for the purposes of hearing the appeal; but evidence may not be so given without the leave of the court.

(2) Where an application for leave for a witness to give evidence through a live link is made at the hearing of the appeal, it shall be made as soon as practicable after the commencement of the hearing.

(3) Where such an application is to be made at the hearing of the appeal, it may not be made without the leave of the judge advocate unless not less than 7 days before the commencement of the hearing the party making the application has served a notice on the other party and the court administration officer stating—

- (a) the grounds of the application;
- (b) the name of the witness;
- (c) where the witness is under the age of 18 years, the date of birth of the witness;
- (d) the country and place where it is proposed the witness will be when giving evidence; and
- (e) the name, occupation and relationship to the witness of any person proposed to accompany the witness and the grounds for believing that person should accompany the witness when giving evidence.

(4) The court may make the grant of leave subject to such conditions as it considers necessary with respect to the manner in which the evidence is to be given, including—

- (a) specifying the place where the witness is to give evidence; and
- (b) specifying the persons in whose presence the witness is to give evidence.

(5) Where an application for leave for a witness to give evidence through a live link is made at a preliminary hearing, the powers of the court to grant leave shall be exercised by the judge advocate before whom the hearing takes place.