



2011 CHAPTER 24

PART 2

LIVE LINKS

Live links at preliminary hearing on appeals to the county court

16.—(1) This section applies in relation to a preliminary hearing in connection with an appeal to the county court under Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).

(2) Where it appears to the county court before which the preliminary hearing is to take place that the appellant is likely to be held in custody [^{F1}or detained in hospital] during the hearing, the court may give a live link direction under this section in relation to the attendance of the appellant at the hearing.

(3) A live link direction under this section is a direction requiring the appellant, if being held in custody [^{F1}or detained in hospital] during the hearing, to attend it through a live link from the place at which the appellant is being held [^{F2}or detained].

(4) The appellant is to be treated as present in court when, by virtue of a live link direction, the appellant attends a hearing through a live link.

(5) If a hearing takes place in relation to the giving or rescinding of such a direction, the court may require or permit a person attending the hearing to do so through a live link.

(6) The court shall not give or rescind a live link direction under this section (whether at a hearing or otherwise) unless the parties to the proceedings have been given the opportunity to make representations.

(7) Subject to subsection (8), if where the appellant is attending a preliminary hearing through a live link it appears to the court—

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(a) that the appellant 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 shall adjourn the hearing.

(8) The court may proceed with the hearing if it is satisfied that it is not reasonably practicable to bring the appellant to court before the appellant ceases to be held in custody [^{F3}or detained in hospital].

(9) If the court proceeds with the hearing under subsection (8) it shall not remand the appellant in custody for a period exceeding 8 days commencing on the day following that on which it remands him.

(10) 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 appellant is or is to be held in custody [^{F4}or detained in hospital]; and

(b) the notice has not been withdrawn.

(11) 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 ^{F5}... ;

[^{F6}(aa) 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;]

(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) “preliminary hearing” means a hearing in connection with an appeal, held before the court starts to hear the appeal.

Textual Amendments

F1 Words in s. 16(2)(3) inserted (29.4.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), ss. 54\(1\)\(b\), 106\(2\)](#) (with [Sch. 8 para. 6\(1\)](#)); S.R. 2016/136, art. 4(c)

F2 Words in s. 16(3) added (29.4.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), ss. 54\(2\)\(b\), 106\(2\)](#) (with [Sch. 8 para. 6\(1\)](#)); S.R. 2016/136, art. 4(c)

F3 Words in s. 16(8) inserted (29.4.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), ss. 54\(1\)\(b\), 106\(2\)](#) (with [Sch. 8 para. 6\(1\)](#)); S.R. 2016/136, art. 4(c)

F4 Words in s. 16(10)(a) inserted (29.4.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), ss. 54\(1\)\(b\), 106\(2\)](#) (with [Sch. 8 para. 6\(1\)](#)); S.R. 2016/136, art. 4(c)

F5 Words in s. 16(11)(a) repealed (29.4.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 9 Pt. 4](#); S.R. 2016/136, art. 4(e)(ii)

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F6 S. 16(11)(aa) inserted (29.4.2016) by Justice Act (Northern Ireland) 2015 (c. 9), ss. 54(4), 106(2) (with Sch. 8 para. 6(1)); S.R. 2016/136, art. 4(c)

Changes to legislation:

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Section 16.