



2011 CHAPTER 24

PART 2

LIVE LINKS

Live links in the Court of Appeal

18.—(1) The Court of Appeal may at any time give a live link direction in relation to any proceedings to which this section applies if a party to the proceedings (“P”) is expected to be in custody.

- (2) This section applies to proceedings in the Court of Appeal—
- (a) on an appeal under Part 4 of the [Criminal Justice \(Northern Ireland\) Order 2004 \(NI 9\)](#);
 - (b) on an appeal under section 74(8) of the Serious Organised Crime and Police Act [2005 \(c. 15\)](#);
 - (c) on an appeal under section 24 of the Serious Crime Act [2007 \(c. 27\)](#);
 - (d) on a reference under section 36 of the Criminal Justice Act [1988 \(c. 33\)](#);
 - (e) on an application for bail under section 17 of the Criminal Appeal (Northern Ireland) Act [1980 \(c. 47\)](#).
- (3) For the purposes of this section—
- (a) a “live link direction” is a direction that P (if P is being held in custody at the time of the proceedings) is to attend the proceedings through a live link from the place at which P is held;
 - (b) “live link” means an arrangement by which P is able to see and hear, and to be seen and heard by, the Court of Appeal (and for this purpose any impairment of eyesight or hearing is to be disregarded); and
 - (c) P is a party to any proceedings—

- (i) in the case of an appeal, if P is the appellant or respondent or if the appeal relates to an order or ruling made in respect of P or made in respect of proceedings in which P is the accused;
 - (ii) in the case of a reference or application, if P's sentencing or admission to bail is the subject of the reference or application.
- (4) The Court of Appeal—
 - (a) shall not give a live link direction unless—
 - (i) P has consented to the direction; and
 - (ii) any other party to the proceedings has had the opportunity to make representations about the giving of such a direction; and
 - (b) may rescind a live link direction at any time before or during any proceedings to which it applies (whether of its own motion or on the application of a party).
- (5) The Court of Appeal must not give a live link direction unless—
 - (a) it has been notified by the Department that a live link is available between the Court and the institution at which P is expected to be in custody; and
 - (b) the notice has not been withdrawn.
- (6) A live link direction does not apply to the giving of oral evidence by P at any hearing unless that direction, or any subsequent direction of the Court, provides expressly for the giving of such evidence through a live link.
- (7) In section 45(2) of the Criminal Appeal (Northern Ireland) Act 1980 (powers exercisable by single judge) at the end of paragraph (fa) add “or under section 18 of the Justice Act (Northern Ireland) 2011”.