

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7: Live Links in Criminal Proceedings

Section 49: Live Links: accused at committal proceedings

This section allows for the accused ('A') to appear and give evidence by live link in committal proceedings in magistrates' courts, if A is likely to be held in custody or detained in hospital during the proceedings. The section includes several safeguards, such as requiring A's consent to a live link direction; the parties must have been given the opportunity to make representations; and the court must be satisfied that it is not contrary to the interests of justice for A to appear or give evidence by live link. Courts are required to adjourn proceedings under this section where A, attending by live link, cannot see or hear the court and be seen or heard by it, and this cannot be corrected immediately. The section also includes the procedure for giving or rescinding a direction, as well as the requirement that the court state and record its reasons for refusing or for rescinding a direction.