



2015 CHAPTER 9

PART 7

LIVE LINKS IN CRIMINAL PROCEEDINGS

Live links: expert witnesses

52.—(1) Part 3 of the Criminal Justice (Northern Ireland) Order 2004 (live links for witnesses in certain criminal proceedings) is amended as follows.

(2) In Article 10 (witness other than defendant may give evidence through live link if court so directs) after “other than the defendant” insert “or an expert witness to whom Article 11A applies”.

(3) After Article 11 insert—

“Expert witnesses

11A.—(1) An expert witness to whom this Article applies shall, unless the court otherwise directs, give evidence through a live link in the criminal proceedings mentioned in Article 10(2).

(2) The court shall not give a direction under paragraph (1) unless the court is satisfied that it is in the interests of justice, and of the efficient administration of justice, for the person concerned to give evidence in the proceedings in person.

(3) The court may rescind a direction under paragraph (1) if it appears to the court that the condition in paragraph (2) is no longer satisfied.

(4) Where it does so, the person concerned shall give evidence through a live link, but this does not prevent the court from giving a further direction under paragraph (1) in relation to that person.

(5) The court shall not give or rescind a direction under paragraph (1) unless the parties to the proceedings have been given the opportunity to make representations.

(6) This Article applies to expert witnesses of such class or description as the Department may prescribe in regulations.

(7) Regulations shall not be made under paragraph (6) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(4) In Article 12(1) (magistrates’ court permitted to sit at other locations) for sub-paragraph (a) substitute—

“(a) evidence is to be given through a live link under this Part in proceedings before a magistrates’ court; and”.

(5) In Article 13 (warning to jury in Crown Court) for paragraph (1) substitute—

“(1) This Article applies where evidence has been given through a live link under this Part in proceedings before the Crown Court.”.

(6) In Article 14 (rules of court) after paragraph (2)(a) insert—

“(aa) as to the procedure to be followed in connection with the making of representations under Article 11A; and”.