
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART VII

APPEALS AND APPLICATIONS TO COURTS OF SUMMARY JURISDICTION

[^{F1}Availability of live links in certain proceedings]

[^{F1}76A.—(1) A person may, if the court so directs, take part in eligible magistrates' court proceedings through—

- (a) a live audio link, or
- (b) a live video link.

(2) “Eligible magistrates' court proceedings” are—

- (a) proceedings on an appeal under paragraph 82 of Schedule 21 to the Coronavirus Act 2020, and
- (b) proceedings in relation to an application for a Part 1A order under Part 1A of the Public Health Act (Northern Ireland) 1967.

(3) A direction under this Article may be given for a district judge (magistrates' courts) to take part in the proceedings through a live audio link or a live video link.

(4) A person who takes part in proceedings in accordance with a direction under this Article is to be treated as—

- (a) complying with any requirement (however imposed or expressed) for that person to attend or appear before the court for the purposes of that participation in those proceedings, and
- (b) present in court for the purposes of those proceedings.

(5) Eligible magistrates' court proceedings that are conducted—

- (a) wholly as audio proceedings, or
- (b) wholly as video proceedings,

are to be regarded as taking place at the location where the district judge (magistrates' courts) takes part in the proceedings.

(6) This Article applies whether the person is in the United Kingdom or elsewhere; and a statement made on oath by a person outside the United Kingdom and given in evidence through a live audio link or live video link in accordance with a direction under this Article is to be treated for the purposes of Article 3 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) as having been made in the proceedings in which it is given in evidence.

(7) Paragraphs (8) to (13) apply for the purposes of this Article.

(8) A reference to a person taking part in proceedings includes—

- (a) giving evidence in the proceedings, and
- (b) attending the proceedings when not giving evidence.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981, Section 76A is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (9) A “live audio link”, in relation to a person (P) taking part in proceedings, is a live telephone link or other arrangement which—
- (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
 - (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.
- (10) Proceedings are conducted wholly as audio proceedings if—
- (a) directions have been given under this Article for all the persons taking part in the proceedings to do so through a live audio link, and
 - (b) all those persons take part in the proceedings in accordance with those directions.
- (11) A “live video link”, in relation to a person (P) taking part in proceedings, is a live television link or other arrangement which—
- (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and
 - (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.
- (12) Proceedings are conducted wholly as video proceedings if—
- (a) directions have been given under this Article for all the persons taking part in the proceedings to do so through a live video link, and
 - (b) all those persons take part in the proceedings in accordance with those directions.
- (13) A reference to the persons taking part in proceedings includes—
- (a) the applicant;
 - (b) any person who, in relation to the proceedings, is within Article 76(3)(a);
 - (c) the district judge (magistrates' courts);
 - (d) any witness in the proceedings;
 - (e) any legal representatives acting in the proceedings;
 - (f) any interpreter or other person appointed by the court to assist in the proceedings;
 - (g) the clerk of the court;
 - (h) representatives of the press.
- (14) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of paragraphs (9) and (11).]

F1 Art. 76A and cross-heading inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 27 para. 9](#) (with ss. 88-90)

Modifications etc. (not altering text)

C1 [Art. 76A](#) expiry of earlier affecting provision 2020 c. 7, [Sch. 27 para. 9](#) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with s. 90)

Changes to legislation:

The Magistrates' Courts (Northern Ireland) Order 1981, Section 76A is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)