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STATUTORY INSTRUMENTS

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**2004 No. 1500**

**The Criminal Justice (Northern Ireland) Order 2004**

**PART III**

**LIVE LINKS**

**Live links in criminal proceedings**

**10.**—(1) A witness (other than the defendant) may, if the court so directs, give evidence through a live link in the following criminal proceedings.

(2) They are—

- (a) a summary trial;
- (b) an appeal to a county court arising out of such a trial;
- <sup>F1</sup>(c) .....
- (d) a trial on indictment;
- (e) an appeal to the Court of Appeal;
- (f) the hearing of a reference under section 10 or 12 of the Criminal Appeal Act 1995 (c. 35);
- (g) a hearing before a magistrates' court or the Crown Court which is held after the defendant has entered a plea of guilty; and
- (h) a hearing before the Court of Appeal under section 80 of the Criminal Justice Act 2003 (c. 44).

(3) A direction may be given under this Article—

- (a) on an application by a party to the proceedings; or
- (b) of the court's own motion.

(4) But a direction may not be given under this Article unless—

- (a) the court is satisfied that it is in the interests of the efficient or effective administration of justice for the person concerned to give evidence in the proceedings through a live link;

<sup>F2</sup>(b) .....

<sup>F2</sup>(c) .....

<sup>F3</sup>(5) .....

(6) In deciding whether to give a direction under this Article the court must consider all the circumstances of the case.

(7) Those circumstances include in particular—

- (a) the availability of the witness;
- (b) the need for the witness to attend in person;
- (c) the importance of the witness's evidence to the proceedings;

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**Changes to legislation:** *The Criminal Justice (Northern Ireland) Order 2004, Section 10 is up to date with all changes known to be in force on or before 15 October 2023. 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*

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- (d) the views of the witness;
  - (e) the suitability of the facilities at the place where the witness would give evidence through a live link;
  - (f) whether a direction might tend to inhibit any party to the proceedings from effectively testing the witness's evidence.
- (8) The court must state in open court its reasons for refusing an application for a direction under this Article and, if it is a magistrates' court, must cause them to be entered in the Order Book.

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| <p><b>F1</b> Art. 10(2)(c) repealed (17.10.2022) by <a href="#">Criminal Justice (Committal Reform) Act (Northern Ireland) 2022 (c. 4)</a>, s. 5(2), <b>Sch. para. 16</b>; S.R. 2022/221, art. 2(d)</p> <p><b>F2</b> Art. 10(4)(b)(c) repealed (31.10.2016) by <a href="#">Justice Act (Northern Ireland) 2015 (c. 9)</a>, s. 106(2), Sch. 1 para. 125(a), <b>Sch. 9 Pt. 1</b> (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)</p> <p><b>F3</b> Art. 10(5) repealed (31.10.2016) by <a href="#">Justice Act (Northern Ireland) 2015 (c. 9)</a>, s. 106(2), Sch. 1 para. 125(b), <b>Sch. 9 Pt. 1</b> (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)</p> |
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**Changes and effects yet to be applied to :**

- art. 10 words inserted by [2015 c. 9 \(N.I.\) s. 52\(2\)](#)

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

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

- Sch. 4 para. 7A inserted by [S.I. 2008/1769 \(N.I.\) Sch. 1 para. 33\(2\)](#) (Amendment not applied due to drafting error by 2008 1769 (N.I. 2) - the amended provision should read Sch. 2 para. 7A (not Sch. 4 para. 7A). This error has been reported to the relevant Department for correction in due course.)
- Sch. 4 para. 10A inserted by [S.I. 2008/1769 \(N.I.\) Sch. 1 para. 33\(3\)](#) (Amendment not applied due to drafting error by 2008 1769 (N.I. 2) - the amended provision should read Sch. 2 para. 10A (not Sch. 4 para. 10A). This error has been reported to the relevant Department for correction in due course.)
- art. 11A inserted by [2015 c. 9 \(N.I.\) s. 52\(3\)](#)
- art. 14(2)(aa) inserted by [2015 c. 9 \(N.I.\) s. 52\(6\)](#)