
STATUTORY INSTRUMENTS

2004 No. 1500

The Criminal Justice (Northern Ireland) Order 2004

PART III

LIVE LINKS

Interpretation of Part III

15.—(1) In this Part—

“judge” includes, in relation to a magistrates' court, resident magistrate;

“Order Book” means the Order Book required to be kept under rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1984 (SR 1984 No. 225);

“rules of court” means—

- (a) magistrates' court rules;
- (b) county court rules;
- (c) Crown Court rules; and
- (d) rules made under section 55 of the Judicature (Northern Ireland) Act 1978 (c. 23);

“witness”, in relation to any criminal proceedings, means a person called or proposed to be called, to give evidence in the proceedings.

(2) In this Part “live link” means a live television link or other arrangement by which a witness, while [^{F1}absent from the place] where the proceedings are being held, is able to see and hear a person at the place where the proceedings are being held and to be seen and heard by the following persons.

(3) They are—

- (a) the defendant or defendants;
- (b) the judge and the jury (if there is one);
- (c) legal representatives acting in the proceedings; and
- (d) any interpreter or other person appointed by the court to assist the witness.

(4) The extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing is to be disregarded for the purposes of paragraph (2).

[^{F2}(4A) Where two or more legal representatives are acting for a party to the proceedings, paragraph (3)(c) is to be regarded as satisfied in relation to those representatives if the witness is able at all material times to see and be seen by at least one of them.]

(5) Nothing in this Part is to be regarded as affecting any power of a court—

- (a) to make an order, give directions or give leave of any description in relation to any witness (including the defendant or defendants); or
- (b) to exclude evidence at its discretion (whether by preventing questions being put or otherwise).

Changes to legislation: *The Criminal Justice (Northern Ireland) Order 2004, Section 15 is up to date with all changes known to be in force on or before 20 January 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*

- F1** Words in art. 15(2) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), ss. 53(3)(a), 106(2) (with Sch. 8 para. 6(1)); S.R. 2016/387, art. 2(g) (with art. 3)
- F2** Art. 15(4A) inserted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), ss. 53(3)(b), 106(2) (with Sch. 8 para. 6(1)); S.R. 2016/387, art. 2(g) (with art. 3)

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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\(6\)](#)