



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### <sup>F1</sup>[<sup>F1</sup>PART 3A

#### LIVE LINKS FOR ACCUSED'S ATTENDANCE AT CERTAIN PRELIMINARY [<sup>F1</sup>, SENTENCING AND OTHER] HEARINGS

#### <sup>F1</sup>57A Introductory

- (1) This Part—
- (a) applies to preliminary hearings and sentencing hearings in the course of proceedings for an offence [<sup>F2</sup>and enforcement hearings relating to confiscation orders]; and
  - (b) enables the court in the circumstances provided for in sections 57B, 57C [<sup>F3</sup>, 57E and 57F] to direct the use of a live link for securing the accused's attendance at a hearing to which this Part applies.
- (2) The accused is to be treated as present in court when, by virtue of a live link direction under this Part, he attends a hearing through a live link.
- (3) In this Part—
- <sup>F4</sup>“confiscation order” means an order made under—
    - (a) section 71 of the Criminal Justice Act 1988;
    - (b) section 2 of the Drug Trafficking Act 1994; or
    - (c) section 6 of the Proceeds of Crime Act 2002;”, and
  - “custody”—
    - (a) includes local authority accommodation [<sup>F5</sup>or youth detention accommodation to which a person is remanded under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012]; but
    - (b) does not include police detention;
  - <sup>F6</sup>“enforcement hearing” means a hearing under section 82 of the Magistrates' Courts Act 1980 to consider the issuing of a warrant of committal or to inquire into a person's means;

*Status: Point in time view as at 03/12/2012. This version of this provision has been superseded.*

*Changes to legislation: Crime and Disorder Act 1998, Section 57A is up to date with all changes known to be in force on or before 26 May 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)*

“live link” means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during a hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);

“police detention” has the meaning given by section 118(2) of the Police and Criminal Evidence Act 1984;

“preliminary hearing” means a hearing in the proceedings held before the start of the trial (within the meaning of subsection (11A) or (11B) of section 22 of the 1985 Act) including, in the case of proceedings in the Crown Court, a preparatory hearing held under—

- (a) section 7 of the Criminal Justice Act 1987 (cases of serious or complex fraud); or
- (b) section 29 of the Criminal Procedure and Investigations Act 1996 (other serious, complex or lengthy cases);

“sentencing hearing” means any hearing following conviction which is held for the purpose of—

- (a) proceedings relating to the giving or rescinding of a direction under section 57E;
- (b) proceedings (in a magistrates' court) relating to committal to the Crown Court for sentencing; or
- (c) sentencing the offender or determining how the court should deal with him in respect of the offence.]

#### **Textual Amendments**

- F1** Pt. 3A (ss. 57A-57E) substituted for s. 57 (15.1.2007 for specified purposes, 1.4.2007 for specified purposes, 14.11.2008 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 45, 53\(1\)](#); [S.I. 2006/3364](#), [art. 2\(g\)](#) (with [art. 4](#)); [S.I. 2007/709](#), [art. 3\(n\)](#) (with [art. 6](#)); [S.I. 2008/2785](#), [art. 2](#); [S.I. 2011/2144](#), [art. 2\(1\)\(a\)](#); [S.I. 2012/2373](#), [art. 2\(a\)](#)
- F2** Words in s. 57A(1)(a) inserted (14.12.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 109\(2\)\(a\)\(i\), 182\(5\)](#) (with [s. 180](#), [Sch. 22](#)); [S.I. 2009/3253](#), [art. 2\(b\)](#)
- F3** Words in s. 57A(1)(b) substituted (14.12.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 109\(2\)\(a\)\(ii\), 182\(5\)](#) (with [s. 180](#), [Sch. 22](#)); [S.I. 2009/3253](#), [art. 2\(b\)](#)
- F4** S. 57A(3): definition of "confiscation order" inserted (14.12.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 109\(2\)\(b\), 182\(5\)](#) (with [s. 180](#), [Sch. 22](#)); [S.I. 2009/3253](#), [art. 2\(b\)](#)
- F5** Words in s. 57A(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 12 para. 39](#); [S.I. 2012/2906](#), [art. 2\(j\)](#) (with [art. 7\(2\)\(3\)](#))
- F6** S. 57A(3): definition of "enforcement hearing" inserted (14.12.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 109\(2\)\(b\), 182\(5\)](#) (with [s. 180](#), [Sch. 22](#)); [S.I. 2009/3253](#), [art. 2\(b\)](#)

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