



Youth Justice and Criminal Evidence Act 1999

1999 CHAPTER 23

PART II

GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

[^{F1}CHAPTER 1A

USE OF LIVE LINK FOR EVIDENCE OF CERTAIN ACCUSED PERSONS [^{F1}: SERVICE COURTS]

[^{F1}33A Live link directions

- (1) This section applies to [^{F2}proceedings in a service court against a person for an offence, if and so far as provided by an order under section 61(1).]
- (2) The court may, on the application of the accused, give a live link direction if it is satisfied—
 - (a) that the conditions in subsection (4) or, as the case may be, subsection (5) are met in relation to the accused, and
 - (b) that it is in the interests of justice for the accused to give evidence through a live link.
- (3) A live link direction is a direction that any oral evidence to be given before the court by the accused is to be given through a live link.
- (4) Where the accused is aged under 18 when the application is made, the conditions are that—
 - (a) his ability to participate effectively in the proceedings as a witness giving oral evidence in court is compromised by his level of intellectual ability or social functioning, and

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- (b) use of a live link would enable him to participate more effectively in the proceedings as a witness (whether by improving the quality of his evidence or otherwise).
- (5) Where the accused has attained the age of 18 at that time, the conditions are that—
- (a) he suffers from a mental disorder (within the meaning of the Mental Health Act 1983) or otherwise has a significant impairment of intelligence and social function,
 - (b) he is for that reason unable to participate effectively in the proceedings as a witness giving oral evidence in court, and
 - (c) use of a live link would enable him to participate more effectively in the proceedings as a witness (whether by improving the quality of his evidence or otherwise).
- (6) While a live link direction has effect the accused may not give oral evidence before the court in the proceedings otherwise than through a live link.
- (7) The court may discharge a live link direction at any time before or during any hearing to which it applies if it appears to the court to be in the interests of justice to do so (but this does not affect the power to give a further live link direction in relation to the accused).

The court may exercise this power of its own motion or on an application by a party.

- (8) The court must state in open court its reasons for—
- (a) giving or discharging a live link direction, or
 - (b) refusing an application for or for the discharge of a live link direction,
- and, if it is a magistrates' court, it must cause those reasons to be entered in the register of its proceedings.]

Textual Amendments

F1 Ch. 1A inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 47**, 53(1); S.I. 2006/3364, **art. 2(h)**

F2 Words in s. 33A(1) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), **Sch. 20 para. 6(3)**

Modifications etc. (not altering text)

C1 Ss. 33A-33C applied (with modifications) (31.10.2009) by [The Court Martial Appeal Court \(Evidence\) Order 2009 \(S.I. 2009/2569\)](#), **arts. 1, 4**

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

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

- s. 33BA33BB inserted by [2009 c. 25 s. 104\(1\)](#)