

*These notes refer to the Criminal Justice Act 2003 (c.44)  
which received Royal Assent on 20th November 2003*

## **CRIMINAL JUSTICE ACT 2003**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

#### **Part 8 – Live Links**

#### ***Section 51: Live links in criminal proceedings***

265. This section enables a court to authorise witnesses, other than the defendant, to give evidence through a live link in certain criminal proceedings. “Live link” is defined in *section 56(2)* and will usually mean a closed circuit television link, but could apply to any technology with the same effect such as video conferencing facilities or the internet.
266. *Subsections (4)(a) and (4)(b)* provide that a court may only authorise the use of a live link if:
- it is in the interests of the efficient or effective administration of justice for the witness to give evidence by way of a live link (for example, a witness may be able to give evidence from his place of work in a different part of the United Kingdom rather than have to travel to court); and
  - the court has been notified by the Secretary of State that suitable facilities are available in the area where the proceedings are to take place: this will allow for phased implementation of the facilities required for live links. The responsibility for ensuring that there are facilities in the remote location from which the witness intends to give evidence falls to the parties and is therefore not covered by this section.
267. *Subsection (6)* directs the court to consider all the circumstances of the case when deciding whether to authorise the use of a live link and *subsection (7)* points out some of the most important considerations the court must take into account.