



Criminal Justice Act 2003

2003 CHAPTER 44

PART 8

LIVE LINKS

[^{F1}51] Directions for live links in criminal proceedings

- (1) The court may, by a direction, require or permit a person to take part in eligible criminal proceedings through—
 - (a) a live audio link, or
 - (b) a live video link.
- (2) A direction under this section may be given in relation to a member of a jury only if the direction requires all members of the jury to take part through a live video link while present at the same place.
- (3) In this Part “eligible criminal proceedings” means—
 - (a) a preliminary hearing (see section 56(1)),
 - (b) a summary trial,
 - (c) a criminal appeal to the Crown Court and any proceedings that are preliminary or incidental to such an appeal,
 - (d) a trial on indictment or any other trial in the Crown Court for an offence,
 - (e) proceedings under section 4A or 5 of the Criminal Procedure (Insanity) Act 1964,
 - (f) proceedings under Part 3 of the Mental Health Act 1983,
 - (g) proceedings under—
 - (i) section 11 of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (ii) section 81(1)(g) of the Senior Courts Act 1981 or section 16 of this Act in respect of a person who has been remanded by a magistrates’ court on adjourning a case under that section of the 2000 Act,
 - (h) an appeal to the criminal division of the Court of Appeal and any proceedings that are preliminary or incidental to such an appeal,

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Changes to legislation: Criminal Justice Act 2003, Part 8 is up to date with all changes known to be in force on or before 20 April 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)

- (i) a reference to the Court of Appeal by the Attorney General under Part 4 of the Criminal Justice Act 1988 and any proceedings that are preliminary or incidental to such a reference,
 - (j) the hearing of a reference under section 9 or 11 of the Criminal Appeal Act 1995 and any proceedings that are preliminary or incidental to such a hearing,
 - (k) a hearing before a magistrates' court or the Crown Court which is held after the defendant has entered a plea of guilty,
 - (l) a hearing under section 142(1) or (2) of the Magistrates' Courts Act 1980,
 - (m) a hearing before the Court of Appeal under section 80 of this Act and any proceedings that are preliminary or incidental to such a hearing,
 - (n) any hearing following conviction held for the purpose of making a decision about bail in respect of the person convicted,
 - (o) a sentencing hearing (see section 56(1)), or
 - (p) an enforcement hearing (see section 56(1)).
- (4) The court may not give a direction under this section unless—
- (a) the court is satisfied that it is in the interests of justice for the person to whom the direction relates to take part in the proceedings in accordance with the direction through the live audio link or live video link,
 - (b) the parties to the proceedings have been given the opportunity to make representations, and
 - (c) if so required by section 52(9), the relevant youth offending team has been given the opportunity to make representations.
- (5) In deciding whether to give a direction under this section, the court must consider—
- (a) any guidance given by the Lord Chief Justice, and
 - (b) all the circumstances of the case.
- (6) Those circumstances include in particular—
- (a) the availability of the person to whom the direction would relate,
 - (b) any need for that person to attend in person,
 - (c) the views of that person,
 - (d) the suitability of the facilities at the place where that person would take part in the proceedings in accordance with the direction,
 - (e) whether that person would be able to take part in the proceedings effectively if the person took part in accordance with the direction,
 - (f) in the case of a direction relating to a witness—
 - (i) the importance of the witness's evidence to the proceedings, and
 - (ii) whether the direction might tend to inhibit any party to the proceedings from effectively testing the witness's evidence, and
 - (g) the arrangements that would or could be put in place for members of the public to see or hear the proceedings as conducted in accordance with the direction.]

Textual Amendments

- F1** S. 51 substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 200\(1\), 208\(5\)\(y\)](#)

Status: Point in time view as at 28/06/2022.

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[F²52 Further provision about the effect of live-link directions

- (1) The power conferred by section 51 includes power to give—
 - (a) a direction that is applicable to several, or all, of the persons taking part in particular eligible criminal proceedings;
 - (b) a direction that is applicable to a particular person in respect of only some aspects of particular eligible criminal proceedings (such as giving evidence or attending the proceedings when not giving evidence);
 - (c) a direction requiring or permitting a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in eligible criminal proceedings through a live audio link or a live video link.
- (2) The court may vary or rescind a direction under section 51 at any time before or during the eligible criminal proceedings to which it relates (but this does not affect the court's power to give a further direction under that section in relation to the proceedings).
- (3) A direction under section 51 may not be rescinded unless—
 - (a) the court is satisfied that it is in the interests of justice for the direction to be rescinded,
 - (b) the parties to the proceedings have been given the opportunity to make representations, and
 - (c) if so required by subsection (9), the relevant youth offending team has been given the opportunity to make representations.
- (4) In relation to the variation of a direction given under section 51—
 - (a) so far as the effect of the variation would be to allow a person to take part in eligible criminal proceedings through a live audio link or a live video link, or to alter (without removing) a person's ability to do so, sections 51(4) and 53(1) to (3) apply as they apply to the giving of a direction;
 - (b) so far as the effect of the variation would be to remove a person's ability to take part in eligible criminal proceedings through a live audio link or a live video link, subsection (3) applies as it applies to the rescission of a direction.
- (5) Section 51(5) and (6) applies in relation to the variation or rescission of a direction given under section 51 as it applies to the giving of a direction under that section.
- (6) A direction under section 51 may be given, varied or rescinded—
 - (a) on an application by a party to the proceedings, or
 - (b) of the court's own motion.

But a party may not apply for a variation or rescission unless there has been a material change of circumstances since the direction was given or last varied.

- (7) The court must state in open court its reasons for refusing an application for the giving, variation or rescission of a direction under section 51 and, if it is a magistrates' court, must cause them to be entered in the register of its proceedings.
- (8) If a hearing takes place in relation to the giving, variation or rescission of a direction under section 51, the court may require or permit a person to take part in that hearing through—
 - (a) a live audio link, or
 - (b) a live video link.

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- (9) The requirement referred to in section 51(4)(c) and subsection (3)(c) arises in a case where—
- (a) the defendant is a party to the proceedings, and
 - (b) either—
 - (i) the defendant has not attained the age of 18 years, or
 - (ii) the defendant has attained the age of 18 years but the court is dealing with the case as if the defendant had not attained that age.

Textual Amendments

- F2** Ss. 52, 52A substituted for s. 52 (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(2\)](#)

Commencement Information

- I1** S. 52 wholly in force at 26.4.2010; s. 52 not in force at Royal Assent, see s. 336(3); s. 52 in force for certain purposes at 7.12.2007 by [S.I. 2007/3451](#), [arts. 2, 3](#) (with [art. 4](#)); s. 52 in force in so far as not already in force at 26.4.2010 by [S.I. 2010/1183](#), [art. 2\(b\)](#) (with [art. 4](#))

52A Further provision about the effect of live-link directions

- (1) A person who takes part in eligible criminal proceedings in accordance with a direction under section 51 is to be treated as complying with any requirement (however imposed or expressed) for that person to attend or appear before court, or to surrender to the custody of the court, for the purposes of that participation in those proceedings.
- (2) A person who takes part in eligible criminal proceedings in accordance with a direction under section 51 is to be treated as present in court for the purposes of those proceedings.
- (3) If eligible criminal proceedings are conducted with one or more persons taking part in accordance with a direction under section 51, the proceedings are to be regarded as taking place—
 - (a) if at least one member of the court is taking part in the proceedings while in a courtroom, in that courtroom (or, if more than one courtroom falls within this paragraph, such of them as the court directs),
 - (b) if no member of the court, but at least one other person, is taking part in the proceedings while in a courtroom, in that courtroom (or, if more than one courtroom falls within this paragraph, such of them as the court directs), or
 - (c) if no person is taking part in the proceedings while in a courtroom, at such place as the court directs (being a place where the court could lawfully sit for the purposes of those proceedings).
- (4) In subsection (3), “courtroom” includes any place where proceedings of the sort in question might ordinarily be held (if no person were taking part in the proceedings in accordance with a direction under section 51).
- (5) A statement made on oath by a witness outside the United Kingdom and given in evidence through a live audio link or a live video link in accordance with a direction under section 51 is to be treated for the purposes of section 1 of the Perjury Act 1911 as having been made in the proceedings in which it is given in evidence.]

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Textual Amendments

- F2** Ss. 52, 52A substituted for s. 52 (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(2\)](#)

53 ^[F3]Further provision about live links in magistrates' courts]

- (1) ^[F4]Subsections (2) and (3) apply] where—
- (a) a magistrates' court is minded to give a direction under section 51 ^[F5]requiring or permitting a person to take part in proceedings before the court through a live audio link or a live video link], and
 - (b) suitable facilities for ^[F6]such participation] are not available at any ^[F7]place at] which the court can (apart from subsection (2)) lawfully sit.

- (2) The court may sit for the purposes of the whole or any part of the proceedings at any place at which such facilities are available and which has been ^[F8]authorised by a direction under section 30 of the Courts Act 2003].

^[F9](3) If the place mentioned in subsection (2) is outside the local justice area in which the justices act it shall be deemed to be in that area for the purpose of the jurisdiction of the justices acting in that area.]

- ^[F10](4) The following functions of a magistrates' court may be discharged by a single justice—
- (a) giving a direction under section 51 or varying such a direction under section 52(2);
 - (b) rescinding under section 52(2) a direction given under section 51 before the eligible criminal proceedings concerned begin;
 - (c) requiring or permitting, under section 52(8), a person to take part by live audio link or live video link in a hearing about a matter within paragraph (a) or (b).]

Textual Amendments

- F3** S. 53 heading substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(3\)\(a\)](#)
- F4** Words in s. 53(1) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(3\)\(b\)\(i\)](#)
- F5** Words in s. 53(1)(a) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(3\)\(b\)\(ii\)](#)
- F6** Words in s. 53(1)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(3\)\(b\)\(iii\)](#)
- F7** Words in s. 53(1)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 99\(a\)](#)
- F8** Words in s. 53(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 99\(b\)](#)
- F9** S. 53(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 99\(c\)](#)
- F10** S. 53(4) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(3\)\(c\)](#)

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^{F11}53A Requirement to attend court, perjury

Textual Amendments

F11 S. 53A inserted (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 23 para. 4](#) (with ss. 88-90) (which affecting provision is continued by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), regs. 1(2), 2; but then repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 201\(1\)](#), 208(5))

54 Warning to jury

- (1) This section applies where, as a result of a direction under section 51, evidence has been given through [^{F12}a live audio link or a live video link by a witness (including the defendant)] in proceedings before the Crown Court.
- (2) The judge may give the jury (if there is one) such direction as he thinks necessary to ensure that the jury gives the same weight to the evidence as if it had been given by the witness in the courtroom or other place where the proceedings are held.

Textual Amendments

F12 Words in s. 54(1) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(4\)](#)

Commencement Information

I2 S. 54 wholly in force at 26.4.2010; s. 54 not in force at Royal Assent, see s. 336(3); s. 54 in force for certain purposes at 7.12.2007 by [S.I. 2007/3451](#), [arts. 2, 3](#) (with [art. 4](#)); s. 54 in force in so far as not already in force at 26.4.2010 by [S.I. 2010/1183](#), [art. 2\(c\)](#) (with [art. 4](#))

55 Rules of court

- (1) [^{F13}Criminal Procedure Rules] may make such provision as appears to the [^{F14}Criminal Procedure Rule Committee] to be necessary or expedient for the purposes of this Part.
- (2) [^{F15}Criminal Procedure Rules] may in particular make provision—
 - (a) as to the procedure to be followed in connection with applications under section [^{F16}52(6)], and
 - (b) as to the arrangements or safeguards to be put in place in connection with the operation of [^{F17}live audio links and live video links].
- (3) The provision which may be made by virtue of subsection (2)(a) includes provision—
 - (a) for ^{F18}... applications to be determined by the court without a hearing,
 - (b) for preventing the renewal of an unsuccessful application under section [^{F19}52(6)] unless there has been a material change of circumstances,
 - (c) for the manner in which confidential or sensitive information is to be treated in connection with an application under section [^{F20}52(6)] and in particular as to its being disclosed to, or withheld from, a party to the proceedings.

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- (4) Nothing in this section is to be taken as affecting the generality of any enactment conferring power to make ^{F21}Criminal Procedure Rules].

Textual Amendments

- F13** Words in s. 55(1) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 47\(2\)\(a\)](#) (with art. 2(2))
- F14** Words in s. 55(1) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 47\(2\)\(b\)](#) (with art. 2(2))
- F15** Words in s. 55(2) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 47\(3\)](#) (with art. 2(2))
- F16** Word in s. 55(2)(a) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(5\)\(a\)\(i\)](#)
- F17** Words in s. 55(2)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(5\)\(a\)\(ii\)](#)
- F18** Word in s. 55(3)(a) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(5\)\(b\)\(i\)](#)
- F19** Word in s. 55(3)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(5\)\(b\)\(ii\)](#)
- F20** Word in s. 55(3)(c) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(5\)\(b\)\(iii\)](#)
- F21** Words in s. 55(4) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 47\(4\)](#) (with art. 2(2))

56 Interpretation of Part 8

- (1) In this Part—

^{F22}

...

^{F23}

^{F24}“bail” includes remand to local authority accommodation in accordance with Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,

“defendant” includes the person accused or convicted of an offence and, in the case of an enforcement hearing, the person liable to pay the sum or financial penalty concerned,

“eligible criminal proceedings” has the meaning given in section 51(3),

“enforcement hearing” means a hearing relating to collection, discharge, satisfaction or enforcement of—

- (a) a sum that has been adjudged to be paid on conviction for an offence by a magistrates’ court or the Crown Court, or
- (b) a financial penalty that is enforceable in accordance with section 85(6) and (7) of the Criminal Justice and Immigration Act 2008 as if it were such a sum (including a hearing to determine whether a financial penalty is so enforceable),

“live audio link”, in relation to a person (P) taking part in proceedings, means a live telephone link or other arrangement which—

- (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and

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(b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P,

“live video link”, in relation to a person (P) taking part in proceedings, means a live television link or other arrangement which—

(a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and

(b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P,]

[^{F25} “local justice area” has the same meaning as in the Courts Act 2003 (c. 39)],

[^{F26} “preliminary hearing” means a hearing in proceedings for an offence held before the start of the trial (within the meaning of subsection (11A) or (11B) of section 22 of the Prosecution of Offences Act 1985), 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),

“relevant youth offending team” means the youth offending team (established under section 39 of the Crime and Disorder Act 1998) whose functions are exercisable in relation to the defendant concerned,

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

(a) proceedings (in a magistrates’ court) relating to committal to the Crown Court for sentencing,

(b) sentencing the offender or determining how the court should deal with the offender in respect of the offence (including reviewing, amending or revoking such a sentence or determination), or

(c) determining—
(i) how the offender has complied with a sentence given in respect of the offence, or

(ii) how the offender should be dealt with in respect of compliance with such a sentence,

and here “sentence” includes any way in which a court has determined that the offender should be dealt with in respect of the offence,]

^{F27}

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

[^{F28}(1A) In this Part, reference to taking part in proceedings means taking part in whatever capacity, including hearing the proceedings as a member of the court.

(1B) In the application of this Part in relation to a witness, a reference to taking part in proceedings includes attending those proceedings for a purpose preliminary or incidental to the giving of evidence.]

^{F29}(2)

^{F30}(3)

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- [^{F31}(4) The following matters are to be disregarded for the purposes of the definitions of “live audio link” and “live video link” in subsection (1)—
- (a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;
 - (b) the effect of any direction or order which provides for one person taking part in proceedings to be prevented by means of a screen or other arrangement from seeing another person taking part in the proceedings.]
- (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).

Textual Amendments

- F22** Words in s. 56(1) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(6\)\(a\)\(i\)](#)
- F23** In s. 56(1) definition of “petty-sessional court-house” omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 100](#)
- F24** Words in s. 56(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(6\)\(a\)\(ii\)](#)
- F25** In s. 56(1) definition of “local justice area” substituted (1.4.2005) for definition of “petty sessions area” by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 100](#)
- F26** Words in s. 56(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(6\)\(a\)\(iii\)](#)
- F27** In s. 56(1) definition of “rules of court” omitted (1.9.2004) by virtue of [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 48](#) (with art. 2(2))
- F28** S. 56(1A)(1B) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(6\)\(b\)](#)
- F29** S. 56(2) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(6\)\(c\)](#)
- F30** S. 56(3) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(6\)\(c\)](#)
- F31** S. 56(4) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 1\(6\)\(d\)](#)

Commencement Information

- I3** S. 56 wholly in force at 26.4.2010; s. 56 not in force at Royal Assent, see s. 336(3); s. 56 in force for certain purposes at 7.12.2007 by [S.I. 2007/3451](#), [arts. 2, 3](#) (with [art. 4](#)); s. 56 in force in so far as not already in force at 26.4.2010 by [S.I. 2010/1183](#), [art. 2\(d\)](#) (with [art. 4](#))

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