

SCHEDULES

SCHEDULE 24

Section 54

LIVE LINKS IN OTHER CRIMINAL HEARINGS

PART 1

EXPANSION OF POWERS UNDER THE CRIME AND DISORDER ACT 1998

Introduction

- 1 (1) The Crime and Disorder Act 1998 has effect as if amended in accordance with this Part of this Schedule.
- (2) For the heading of Part 3A there were substituted “LIVE LINKS IN PRELIMINARY, SENTENCING & ENFORCEMENT HEARINGS”.

Interpretation etc

- 2 (1) Section 57A has effect as if amended as follows.
- (2) For subsections (1) and (2) there were substituted—
 - “(1A) This Part applies to—
 - (a) preliminary hearings and sentencing hearings in the course of proceedings for an offence, and
 - (b) enforcement hearings.”
- (3) In subsection (3)—
 - (a) before the definition of “confiscation order” there were inserted—

““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;”;
 - (b) the definitions of “confiscation order” and “custody” were omitted;
 - (c) for the definition of “enforcement hearing” there were substituted—

““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 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);”;
 - (d) the definitions of “live link” and “police detention” were omitted;
 - (e) after the definition of “preliminary hearing” there were inserted—

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““relevant youth offending team”, in relation to a case where—

- (a) the accused, the offender or the person liable to pay the sum or financial penalty has not attained the age of 18 years, or
- (b) the accused or the offender has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age,

means the youth offending team (established under section 39) whose functions are exercisable in relation to the accused, the offender or the person liable to pay the sum or financial penalty;”;

(f) in the definition of “sentencing hearing”—

- (i) paragraph (a) were omitted;
- (ii) in paragraph (b), “or” were omitted;
- (iii) in paragraph (c), for “offence.” there were substituted “offence (including reviewing, amending or revoking such a sentence or determination); or”;
- (iv) after paragraph (c) there were inserted—

“(d) 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.”

(4) After subsection (3) there were inserted—

“(4) A reference to a person taking part in a hearing includes—

- (a) giving evidence in the hearing, and
- (b) attending the hearing when not giving evidence.

(5) A “live audio link”, in relation to a person (P) taking part in a hearing, is a live telephone link or other arrangement which—

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

(6) A hearing is conducted wholly as an audio hearing if—

- (a) directions have been given under section 57B, 57E or 57F for all of the persons taking part in the hearing to do so through a live audio link, and
- (b) all of those persons take part in the hearing in accordance with those directions.

(7) A “live video link”, in relation to a person (P) taking part in a hearing, is a live television link or other arrangement which—

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

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- (b) enables all other persons taking part in the hearing who are not in the same location as P to see and hear P.
- (8) A hearing is conducted wholly as a video hearing if—
 - (a) directions have been given, whether under section 57B, 57E or 57F or any other power, for all of the persons taking part in the hearing to do so through a live video link, and
 - (b) all of those persons take part in the hearing in accordance with those directions.
- (9) The following matters are to be disregarded for the purposes of subsections (5) and (7)—
 - (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 a hearing to be prevented by means of a screen or other arrangement from seeing another person taking part in the hearing.
- (10) Subsections (4) to (9) apply for the purposes of this Part.
- (11) 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 accused), or
 - (b) to exclude evidence at its discretion (whether by preventing questions being put or otherwise).”

Expansion of availability of live links at preliminary hearings

- 3 (1) Section 57B has effect as if amended in accordance with sub-paragraphs (2) to (5).
- (2) In the heading, “where accused is in custody” were omitted.
- (3) For subsections (2) and (3) there were substituted—
- “(2) The court may, by a direction (a “live link direction”), require or permit a person to take part in the preliminary hearing through—
- (a) a live audio link, or
 - (b) a live video link.
- (3) But the court may not give a direction for a person to take part in a preliminary hearing through a live audio link or a live video link unless—
- (a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the preliminary hearing in accordance with the direction through the live audio link or through the live video link,
 - (b) the parties to the preliminary hearing have been given the opportunity to make representations,
 - (c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where—
 - (i) the accused has not attained the age of 18 years, or
 - (ii) the accused has attained the age of 18 years since proceedings for the offence were begun, and the court has

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decided to continue to deal with the case as if he or she had not attained that age.

- (3A) A direction under this section—
- (a) may be given by the court of its own motion or on an application by a party; and
 - (b) may be given in relation to all subsequent preliminary hearings before the court or to such hearing or hearings as may be specified or described in the direction.
- (3B) The power to give a live link direction under this section includes power to give—
- (a) a direction for a judge or justice to take part in a preliminary hearing through a live audio link or a live video link;
 - (b) a direction that is applicable to several, or all, of the persons participating in a particular preliminary hearing;
 - (c) a direction that is applicable to a particular person in respect of only some aspects of a particular preliminary hearing (such as giving evidence or attending the hearing when not giving evidence);
 - (d) a direction for a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in a preliminary hearing through a live audio link or a live video link.
- (3C) The power of the court to give a direction under this section is subject to Schedule 3A (prohibitions and limitations on use of live links).
- (3D) The court may vary a live link direction under this section; and the provisions of this section and Schedule 3A that apply to the giving of such a direction also apply to the variation of such a direction.
- (3E) The court may rescind a live link direction under this section at any time before or during the preliminary hearing to which it relates (but this does not affect the court's power to give a further live link direction in relation to the hearing).
- (3F) A live link direction under this section 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 preliminary hearing have been given the opportunity to make representations,
 - (c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where—
 - (i) the accused has not attained the age of 18 years, or
 - (ii) the accused has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age.
- (3G) A live link direction under this section may be varied or rescinded by the court of its own motion or on an application by a party; but such an application may not be made unless there has been a material change of circumstances since the direction was given.

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- (3H) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, 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.
- (3I) In deciding whether to give or rescind a direction under this section the court must consider all the circumstances of the case.
- (3J) Those circumstances include in particular—
- (a) in the case of a direction relating to a witness—
 - (i) the importance of the witness’s evidence to the hearing;
 - (ii) whether a direction might tend to inhibit any party from effectively testing the witness’s evidence;
 - (b) in the case of a direction relating to any participant in the hearing—
 - (i) the availability of the person;
 - (ii) the need for the person to attend in person;
 - (iii) the views of the person;
 - (iv) the suitability of the facilities at the place where the person would take part in the hearing in accordance with the direction;
 - (v) whether the person will be able to take part in the hearing effectively if he or she takes part in accordance with the direction.”

(4) Subsections (4) and (5) were omitted.

(5) After subsection (7) there were inserted—

- “(8) A court may not refuse or revoke bail for a person (P) at a preliminary hearing if—
- (a) any person takes part in the hearing — other than for the purpose of giving evidence — through a live audio link, and
 - (b) P objects to the refusal or revocation.
- (9) If any person takes part in a preliminary hearing— other than for the purpose of giving evidence — through a live audio link, the court may not—
- (a) accept a guilty plea, or
 - (b) deal with a person for contempt of court (including enquiring into conduct and imposing punishment).”

(6) Sections 57C and 57D were omitted.

Use of live link in sentencing hearings

4 (1) Section 57E has effect as if amended as follows.

(2) For subsections (1) to (3) there were substituted—

- “(1) The court may, by a direction (a “live link direction”), require or permit a person to take part in a sentencing hearing through—
- (a) a live audio link, or

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- (b) a live video link.
- (2) But the court may not give a direction for a person to take part in a sentencing hearing through a live audio link or a live video link unless—
 - (a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the sentencing hearing in accordance with the direction through the live audio link or through the live video link,
 - (b) the parties to the sentencing hearing have been given the opportunity to make representations, and
 - (c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where—
 - (i) the offender has not attained the age of 18 years, or
 - (ii) the offender has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age.”
- (3) In subsection (4), for “Such a direction” there were substituted “A live link direction under this section”.
- (4) After subsection (4) there were inserted—
 - “(4A) The power to give a live link direction under this section includes power to give—
 - (a) a direction for a judge or justice to take part in a sentencing hearing through a live audio link or a live video link;
 - (b) a direction that is applicable to several, or all, of the persons participating in a particular sentencing hearing;
 - (c) a direction that is applicable to a particular person in respect of only some aspects of a particular sentencing hearing (such as giving evidence or attending the hearing when not giving evidence);
 - (d) a direction for a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in a sentencing hearing through a live audio link or a live video link.
 - (4B) The power of the court to give a direction under this section is subject to Schedule 3A (prohibitions and limitations on use of live links).
 - (4C) The court may vary a live link direction under this section; and the provisions of this section and Schedule 3A that apply to the giving of such a direction also apply to the variation of such a direction.”
- (5) Subsection (5) were omitted.
- (6) In subsection (6)—
 - (a) “if it appears to the court to be in the interests of justice to do so” were omitted;
 - (b) for “offender” there were substituted “hearing”;
 - (c) the second sentence were omitted.
- (7) After subsection (6) there were inserted—
 - “(6A) A live link direction under this section may not be rescinded unless—

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- (a) the court is satisfied that it is in the interests of justice for the direction to be rescinded,
 - (b) the parties to the sentencing hearing have been given the opportunity to make representations, and
 - (c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where—
 - (i) the offender has not attained the age of 18 years, or
 - (ii) the offender has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age.
- (6B) A live link direction under this section may be varied or rescinded by the court of its own motion or on an application by a party; but such an application may not be made unless there has been a material change of circumstances since the direction was given.
- (6C) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, 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.
- (6D) In deciding whether to give or rescind a direction under this section the court must consider all the circumstances of the case.
- (6E) Those circumstances include in particular—
- (a) in the case of a direction relating to a witness—
 - (i) the importance of the witness’s evidence to the hearing;
 - (ii) whether a direction might tend to inhibit any party from effectively testing the witness’s evidence;
 - (b) in the case of a direction relating to any participant in the hearing—
 - (i) the availability of the person;
 - (ii) the need for the person to attend in person;
 - (iii) the views of the person;
 - (iv) the suitability of the facilities at the place where the person would take part in the hearing in accordance with the direction;
 - (v) whether the person will be able to take part in the hearing effectively if he or she takes part in accordance with the direction.”
- (8) Subsection (7) were omitted.
- (9) After subsection (8) there were inserted—
- “(9) The following functions of a magistrates’ court under this section may be discharged by a single justice—
- (a) giving a live link direction under this section;
 - (b) rescinding a live link direction before a sentencing hearing begins; and

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- (c) requiring or permitting a person to attend by live link a hearing about a matter within paragraph (a) or (b).”

Use of live link in certain enforcement hearings

- 5 (1) Section 57F has effect as if amended as follows.
- (2) In the heading, “certain” were omitted.
- (3) For subsections (1) to (3) there were substituted—
- “(1) The court may, by a direction (a “live link direction”), require or permit a person to take part in an enforcement hearing through—
- (a) a live audio link, or
- (b) a live video link.
- (2) But the court may not give a direction for a person to take part in an enforcement hearing through a live audio link or a live video link unless—
- (a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the enforcement hearing in accordance with the direction through the live audio link or through the live video link,
- (b) the parties to the enforcement hearing have been given the opportunity to make representations, and
- (c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where the person liable to pay the sum or financial penalty has not attained the age of 18 years and is a party to the hearing.”
- (4) In subsection (4) for “Such a direction” there were substituted “A live link direction under this section”.
- (5) After subsection (4) there were inserted—
- “(4A) The power to give a live link direction under this section includes power to give—
- (a) a direction for a judge or justice to take part in an enforcement hearing through a live audio link or a live video link;
- (b) a direction that is applicable to several, or all, of the persons participating in a particular enforcement hearing;
- (c) a direction that is applicable to a particular person in respect of only some aspects of a particular enforcement hearing (such as giving evidence or attending the hearing when not giving evidence);
- (d) a direction for a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in an enforcement hearing through a live audio link or a live video link.
- (4B) The power of the court to give a direction under this section is subject to Schedule 3A (prohibitions and limitations on use of live links).
- (4C) The court may vary a live link direction under this section; and the provisions of this section and Schedule 3A that apply to the giving of such a direction also apply to the variation of such a direction.”

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(6) In subsection (5), after “relates” there were inserted “(but this does not affect the court’s power to give a further live link direction in relation to the hearing)”.

(7) For subsection (6) there were substituted—

“(6) A live link direction under this section 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 enforcement hearing have been given the opportunity to make representations, and
- (c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where the person liable to pay the sum or financial penalty has not attained the age of 18 years and is a party to the hearing.

(6A) A live link direction under this section may be varied or rescinded by the court of its own motion or on an application by a party; but such an application may not be made unless there has been a material change of circumstances since the direction was given.”

(8) For subsection (7) there were substituted—

“(7) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, 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.

(7A) In deciding whether to give or rescind a direction under this section the court must consider all the circumstances of the case.

(7B) Those circumstances include in particular—

- (a) in the case of a direction relating to a witness—
 - (i) the importance of the witness’s evidence to the hearing;
 - (ii) whether a direction might tend to inhibit any party from effectively testing the witness’s evidence;
- (b) in the case of a direction relating to any participant in the hearing—
 - (i) the availability of the person;
 - (ii) the need for the person to attend in person;
 - (iii) the views of the person;
 - (iv) the suitability of the facilities at the place where the person would take part in the hearing in accordance with the direction;
 - (v) whether the person will be able to take part in the hearing effectively if he or she takes part in accordance with the direction.”

(9) Subsection (8) were omitted.

(10) In subsection (10)(b) for “a preliminary” there were substituted “an enforcement”.

(11) After subsection (10) there were inserted—

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- “(11) If any person takes part in an enforcement hearing— other than for the purpose of giving evidence — through a live audio link, the court may not—
- (a) impose imprisonment or detention in default of payment of a sum or financial penalty, or
 - (b) deal with a person for contempt of court (including enquiring into conduct and imposing punishment).”

Requirement to attend at court, holding proceedings in court etc

6 After section 57F there were inserted—

“57G Requirement to attend court, perjury

- (1) A person who takes part in a hearing in accordance with a direction under section 57B, 57E or 57F is to be treated as complying with any requirement (however imposed or expressed) for that person to attend or appear before court, or surrender to the custody of the court, for the purposes of that participation in that hearing.
- (2) A person who takes part in a hearing in accordance with a direction under section 57B, 57E or 57F is to be treated as present in court for the purposes of that hearing.
- (3) A hearing that is conducted in accordance with directions under section 57B, 57E or 57F—
 - (a) wholly as an audio hearing, or
 - (b) wholly as a video hearing,is to be regarded as taking place at the location where the member or members of the court take part in the hearing.
- (4) 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 this Part 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.”

Prohibitions and limitations on use of live links

7 After Schedule 3 there were inserted—

“SCHEDULE
3A

PROHIBITIONS AND LIMITATIONS ON USE OF LIVE LINKS

PART 1

DIRECTIONS UNDER SECTION 57B — PRELIMINARY HEARINGS

Introduction

- 1 This Part of this Schedule applies to the conduct of preliminary hearings in accordance with live link directions under section 57B.

Use of audio links

- 2 (1) The accused may not take part in a preliminary hearing through a live audio link for the purpose of giving evidence.
- (2) A person (other than the accused) may not take part in a preliminary hearing through a live audio link for the purpose of giving evidence unless—
- (a) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (b) the parties agree to that person giving evidence through a live audio link.
- (3) This paragraph does not apply to a preliminary hearing if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the hearing (but see paragraph 4).

Disputed bail hearings

- 3 (1) This paragraph applies to a preliminary hearing at which the court is deciding whether to grant or continue bail if the making of the decision is disputed (including where the court is minded to refuse or revoke bail of its own motion).
- (2) The accused may not take part in the hearing through a live audio link.
- (3) A person (other than the accused) may not take part in the hearing through a live audio link unless—
- (a) that person’s participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.

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Contempt of court

- 4 (1) This paragraph applies to a preliminary hearing at which the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment).
- (2) The accused may not take part in the hearing through a live audio link.
- (3) A person (other than the accused) may not take part in the hearing through a live audio link unless—
- (a) that person’s participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.
- (4) References in this paragraph to the accused include references to the person whom the court is minded to deal with for contempt of court.

Unfitness to plead

- 5 (1) This paragraph applies to a hearing under section 4 of the Criminal Procedure (Insanity) Act 1964.
- (2) The hearing may not be conducted wholly as a video hearing.
- (3) The accused may not take part in the hearing through a live audio link.
- (4) A person (other than the accused) may not take part in the hearing through a live audio link unless—
- (a) that person’s participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.

Acceptance of a guilty plea

- 6 (1) This paragraph applies to a preliminary hearing at which the accused is expected to plead guilty.
- (2) The accused may not take part in the hearing through a live audio link.
- (3) A person (other than the accused) may not take part in the hearing through a live audio link unless—
- (a) that person’s participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.

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Other limitations to apply also

- 7 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57B(3)) which apply to the exercise of the power to give a direction under section 57B(2).

PART 2

DIRECTIONS UNDER SECTION 57E — SENTENCING HEARINGS

Introduction

- 8 This Part of this Schedule applies to the conduct of sentencing hearings in accordance with live link directions under section 57E.

Use of live audio links

- 9 (1) The offender may not take part in a sentencing hearing through a live audio link.
- (2) A person (other than the offender) may not take part in a sentencing hearing through a live audio link unless—
- (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.

Other limitations to apply also

- 10 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57E(2)) which apply to the exercise of the power to give a direction under section 57E(1).

PART 3

DIRECTIONS UNDER SECTION 57F — ENFORCEMENT HEARINGS

Introduction

- 11 This Part of this Schedule applies to the conduct of enforcement hearings in accordance with live link directions under section 57F.

Use of live audio links

- 12 (1) The person liable to pay the relevant sum may not take part in an enforcement hearing through a live audio link for the purpose of giving evidence.

Status: This is the original version (as it was originally enacted).

- (2) A person (other than the person liable to pay the relevant sum) may not take part in an enforcement hearing through a live audio link for the purpose of giving evidence unless—
 - (a) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (b) the parties to the hearing agree to that person giving evidence through a live audio link.
- (3) In this paragraph “relevant sum” means the sum or financial penalty whose collection, discharge, satisfaction or enforcement the enforcement hearing is concerned with.
- (4) This paragraph does not apply to an enforcement hearing if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the hearing (but see paragraph 14).

Hearing where court minded to impose imprisonment or detention

- 13 (1) This paragraph applies to an enforcement hearing if the court is minded to impose imprisonment or detention on a person (the “defaulter”) in default of payment of a sum or financial penalty at the hearing.
- (2) The defaulter may not take part in the hearing through a live audio link.
- (3) A person (other than the defaulter) may not take part in the hearing through a live audio link unless—
 - (a) that person’s participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties to the hearing agree to that person giving evidence through a live audio link.

Contempt of court

- 14 (1) This paragraph applies to an enforcement hearing at which the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment).
- (2) The person liable to pay the relevant sum may not take part in the hearing through a live audio link.
- (3) A person (other than the person liable to pay the relevant sum) may not take part in the hearing through a live audio link unless—
 - (a) that person’s participation through the live audio link is only for the purpose of giving evidence at the hearing,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties to the hearing agree to that person giving evidence through a live audio link.
- (4) In this paragraph—

Status: This is the original version (as it was originally enacted).

- (a) “relevant sum” means the sum or financial penalty whose collection, discharge, satisfaction or enforcement the enforcement hearing is concerned with;
- (b) references in this paragraph to the person liable to pay the relevant sum include references to the person whom the court is minded to deal with for contempt of court.

Other limitations to apply also

- 15 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57F(2)) which apply to the exercise of the power to give a direction under section 57F.”

PART 2

EXPANSION OF POWERS UNDER THE EXTRADITION ACT 2003

- 8 The Extradition Act 2003 has effect as if amended in accordance with this Part of this Schedule.
- 9 (1) Section 206A has effect as if amended as follows.
- (2) In the heading, “certain” were omitted.
 - (3) In subsection (1)—
 - (a) in paragraph (a), the words from “other” to “56,” were omitted, and
 - (b) in paragraph (b), the words from “, other” to the end were omitted.
 - (4) In subsection (2)—
 - (a) for the words from “the person” to “during the hearing,” there were substituted “it is in the interests of justice to do so,” and
 - (b) “at any time before the hearing” were omitted.
 - (5) For subsection (3) there were substituted—
 - “(3) A live link direction is a direction requiring a person to take part in the hearing through a live link.
 - (3A) The power to give a live link direction under this section includes the power to give a direction to all or any of the following persons to take part in the hearing through a live link—
 - (a) the appropriate judge,
 - (b) the person affected by the extradition claim,
 - (c) any other party,
 - (d) the prosecutor or any other legal representative acting in the hearing,
 - (e) any witnesses in the hearing, and
 - (f) any interpreter or other person appointed by the court to assist in the hearing.”
 - (6) Subsection (5) were omitted.
 - (7) For subsection (6) there were substituted—

Status: This is the original version (as it was originally enacted).

“(6) A person who takes part in the hearing through a live link is to be treated as present in court for the purposes of the hearing.”

- 10 (1) Section 206C has effect as if amended as follows.
- (2) Subsection (5) were omitted.
- (3) In subsection (6)—
- (a) in the opening words, for “, while absent from the place where the hearing is being held,” there were substituted “(P)”,
 - (b) in paragraph (a), for the words from “the appropriate” to the end there were substituted “all other persons taking part in the hearing who are not in the same location as P, and”, and
 - (c) in paragraph (b), for the words from “the judge” to the end there were substituted “all other persons taking part in the hearing who are not in the same location as P,”.

PART 3

OTHER MODIFICATIONS

Police and Criminal Evidence Act 1984

- 11 (1) The Police and Criminal Evidence Act 1984 has effect as if amended as follows.
- (2) In section 46ZA (persons granted live link bail), in subsection (3)(b), for “section 57C” there were substituted “section 57B”.
- (3) In section 46A (power of arrest for failure to answer to police bail), in subsection (1ZA)(b), for “section 57C” there were substituted “section 57B”.
- (4) In section 47 (bail after arrest), in subsection (3)(b)(i)—
- (a) for “section 57C” there were substituted “section 57B”;
 - (b) “where accused is at police station” were omitted.

Prosecution of Offences Act 1985

- 12 Section 22(11A) of the Prosecution of Offences Act 1985 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings), has effect as if “or fitness to plead” were omitted.

Serious Organised Crime and Police Act 2005

- 13 The Serious Organised Crime and Police Act 2005 has effect as if section 75A were omitted.