

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, SCHEDULE 27. (See end of Document for details)

SCHEDULES

SCHEDULE 27

Section 57

USE OF LIVE LINKS IN LEGAL PROCEEDINGS: NORTHERN IRELAND

PART 1

POWERS OF COURTS AND TRIBUNALS TO DIRECT USE OF LIVE LINKS

Modifications etc. (not altering text)

- C1** Sch. 27 Pt. 1 continued until 24.9.2022 (27.1.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Related to Courts, Tribunals and Inquests\) Order \(Northern Ireland\) 2022 \(S.R. 2022/24\)](#), arts. 1, 3
- C2** Sch. 27 Pt. 1 continued until 24.3.2023 (23.9.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2022 \(S.R. 2022/227\)](#), art. 2
- C3** Sch. 27 Pt. 1 continued until 24.9.2023 (21.3.2023) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2023 \(S.R. 2023/46\)](#), art. 2
- C4** Sch. 27 Pt. 1 continued until 24.3.2024 (11.3.2024) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) \(No.2\) Order \(Northern Ireland\) 2023 \(S.R. 2023/138\)](#), art. 2
- C5** Sch. 27 Pt. 1 continued until 24.9.2024 (21.3.2024) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2024 \(S.R. 2024/72\)](#), art. 2

Proceedings to which this Part of this Schedule applies

- 1 (1) This Part of this Schedule applies to any proceedings in a court or statutory tribunal.
- (2) In this Part of this Schedule “court” means—
 - (a) the Court of Appeal,
 - (b) the High Court,
 - (c) the Crown Court,
 - (d) a county court, or
 - (e) a magistrates' court.
- (3) In this Part of this Schedule “statutory tribunal” means a tribunal (however named or described, and including a coroner holding an inquest) established by or under a statutory provision, but does not include—
 - (a) a court, or

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- (b) any tribunal established by or under a statutory provision that could not have been included in an Act of the Northern Ireland Assembly made without the Secretary of State's consent.

(4) In this paragraph “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Power to give direction for participation by live link

- 2
- (1) A person may, if a court or statutory tribunal so directs, participate in any proceedings in the court or tribunal through a live link.
 - (2) A direction may not be given under this paragraph as respects a person's participation in proceedings as a member of a jury.
 - (3) A direction may be given under this paragraph in respect of a person—
 - (a) of the court or tribunal's own motion,
 - (b) on application by the person, or
 - (c) on application by a party to the proceedings.
 - (4) A court or tribunal may not give a direction under this paragraph unless the court or tribunal is satisfied that it is in the interests of justice to do so.
 - (5) In deciding whether to give a direction under this paragraph, the court or tribunal must consider all the circumstances of the case.
 - (6) Those circumstances include (in particular)—
 - (a) the views of the person;
 - (b) the views of the parties to the proceedings;
 - (c) public health interests.
 - (7) Where a court or tribunal refuses an application for a direction under this paragraph, it must—
 - (a) state openly its reasons for doing so, and
 - (b) if it is a magistrates' court, cause the reasons to be entered in the Order Book.
 - (8) Power of a court or tribunal to give a direction under this paragraph is additional to, and does not limit, any other power of the court or tribunal.

Effect, and rescission, of directions

- 3
- (1) Where in any proceedings a court or tribunal—
 - (a) has given a direction under paragraph 2 in respect of a person, and
 - (b) has not rescinded the direction,
 the person may not participate in the proceedings otherwise than through a live link.
 - (2) A court or tribunal may rescind a direction under paragraph 2 if it appears to the court or tribunal to be in the interests of justice to do so.
 - (3) Where it does so, the person concerned ceases to be able to participate in the proceedings through a live link, but this does not prevent a further direction under paragraph 2 being given in the proceedings in respect of the person.
 - (4) A direction under paragraph 2 in respect of a person may be rescinded—

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- (a) of the court or tribunal's own motion,
 - (b) on application by the person, or
 - (c) on application by a party to the proceedings.
- (5) An application may not be made under sub-paragraph (4)(b) or (c) unless there has been a material change of circumstances since the direction was given.
- (6) Where a court or tribunal rescinds a direction under paragraph 2, or refuses an application to rescind such a direction, it must—
- (a) state openly its reasons for rescinding the direction or refusing the application, and
 - (b) if it is a magistrates' court, cause the reasons to be entered in the Order Book.

Meaning of references to participation in proceedings

- 4 A reference in this Part of this Schedule to participating in any proceedings includes (in particular) participation—
- (a) as a party to the proceedings,
 - (b) as a witness,
 - (c) as a judge or other member of the court or tribunal,
 - (d) as a member of a jury,
 - (e) as a legal representative acting in the proceedings,
 - (f) as an interpreter or other person appointed by the court or tribunal to assist in the proceedings,
 - (g) as the clerk to the court or tribunal, or
 - (h) as a representative of the press.

Participation by persons outside the United Kingdom

- 5 (1) A direction under paragraph 2 may be given in respect of a person whether the person is in the United Kingdom or elsewhere.
- (2) A statement made on oath by a person outside the United Kingdom and given in evidence through a live link in accordance with a direction under paragraph 2 is to be treated for the purposes of Article 3 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) as having been made in the proceedings in which it is given in evidence.

Meaning of “live link”

- 6 (1) In this Part of this Schedule “live link” means a live video link or a live audio link.
- (2) A “live video link”, in relation to a person (“P”) participating in proceedings, is a live television link or other arrangement which—
- (a) enables P to see and hear all other persons participating in the proceedings who are not in the same location as P, and
 - (b) enables all other persons participating in the proceedings who are not in the same location as P to see and hear P.
- (3) A “live audio link”, in relation to a person (“P”) participating in proceedings, is a live telephone link or other arrangement which—

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- (a) enables P to hear all other persons participating in the proceedings who are not in the same location as P, and
 - (b) enables all other persons participating in the proceedings who are not in the same location as P to hear P.
- (4) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of subparagraphs (2) and (3).

Interpretation of this Part of this Schedule: general

- 7 The Interpretation Act (Northern Ireland) 1954 applies for the purposes of the preceding provisions of this Part of this Schedule as if those provisions were contained in an Act of the Northern Ireland Assembly.

PART 2

PUBLIC PARTICIPATION IN PROCEEDINGS WHERE LIVE LINKS USED

Modifications etc. (not altering text)

- C6** Sch. 27 Pt. 2 continued until 24.9.2022 (27.1.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Related to Courts, Tribunals and Inquests\) Order \(Northern Ireland\) 2022 \(S.R. 2022/24\)](#), arts. 1, 3
- C7** Sch. 27 Pt. 2 continued until 24.3.2023 (23.9.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2022 \(S.R. 2022/227\)](#), art. 2
- C8** Sch. 27 Pt. 2 continued until 24.9.2023 (21.3.2023) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2023 \(S.R. 2023/46\)](#), art. 2
- C9** Sch. 27 Pt. 2 continued until 24.3.2024 (11.3.2024) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) \(No.2\) Order \(Northern Ireland\) 2023 \(S.R. 2023/138\)](#), art. 2
- C10** Sch. 27 Pt. 2 continued until 24.9.2024 (21.3.2024) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2024 \(S.R. 2024/72\)](#), art. 2

- 8 The Judicature (Northern Ireland) Act 1978 has effect as if after section 102 there were inserted—

“PART 9A

USE OF LIVE LINKS IN COURT OR TRIBUNAL PROCEEDINGS: PUBLIC PARTICIPATION & OFFENCES OF RECORDING ETC

102A Enabling the public to see and hear proceedings

- (1) If proceedings in a court or statutory tribunal are to be conducted wholly as video proceedings, whether or not as a result of directions given by the court or tribunal, the court or tribunal—

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- (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings;
 - (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court or tribunal to keep an audio-visual record of the proceedings.
- (2) If proceedings in a court or statutory tribunal are to be conducted wholly as audio proceedings, whether or not as a result of directions given by the court or tribunal, the court or tribunal—
 - (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings;
 - (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court or tribunal to keep an audio record of the proceedings.
- (3) A direction under this section may relate to the whole, or to part, of the proceedings concerned.

102B Offences of recording or transmission in relation to broadcasting

- (1) It is an offence for a person to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,of an image or sound which is being broadcast in accordance with a direction under section 102A.
- (2) It is an offence for a person to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 102A.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the recording or transmission of the image or sound concerned, the person—
 - (a) was not in designated live-streaming premises, and
 - (b) did not know, and could not reasonably have known, that the image or sound was—
 - (i) being broadcast in accordance with a direction under section 102A (in the case of an offence under subsection (1)), or
 - (ii) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 102A (in the case of an offence under subsection (2)).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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- (5) For the purposes of this section it does not matter whether a person making a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section, a recording or transmission is “unauthorised” unless it is—
 - (a) authorised by a direction under section 102A,
 - (b) otherwise authorised (generally or specifically) by the court or tribunal in which the proceedings concerned are conducted, or
 - (c) authorised (generally or specifically) by the Department.

102C Offences of recording or transmitting participation through live link

- (1) It is an offence for a person to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,
 of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.
- (2) It is an offence for a person (“P”) to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,
 of an image of, or sound made by, any person (whether P or another person) while that person is participating in court or tribunal proceedings through a live video link or live audio link.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the recording or transmission, the person did not know, and could not reasonably have known, that the image or sound concerned—
 - (a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)), or
 - (b) was an image of, or sound made by, a person while that person was participating in court or tribunal proceedings through a live video link or live audio link (in the case of an offence under subsection (2)).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section it does not matter whether a person making a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section, a recording or transmission is “unauthorised” unless it is—
 - (a) authorised (generally or specifically) by the court or tribunal in which the proceedings are conducted, or
 - (b) authorised (generally or specifically) by the Department.

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102D Interpretation of Part 9A

- (1) This section applies for the purposes of this Part.
- (2) The following expressions have the meanings given—
 - “court” means—
 - (a) the Court of Appeal,
 - (b) the High Court,
 - (c) the Crown Court,
 - (d) a county court, or
 - (e) a magistrates' court;
 - “court or tribunal proceedings” means any proceedings in any court or statutory tribunal;
 - “the Department”—
 - (a) in relation to a court, means the Department of Justice, and
 - (b) in relation to a statutory tribunal, means a Northern Ireland department;
 - “designated live-streaming premises” means premises that are designated by the Department for the purposes of this section as premises provided by the Department for the purpose of enabling members of the public to see and hear, or hear, proceedings that are broadcast in accordance with directions under section 102A;
 - “recording” means a recording on any medium—
 - (a) of a single image, a moving image or any sound, or
 - (b) from which a single image, a moving image or any sound may be produced or reproduced;
 - “statutory tribunal” means a tribunal (however named or described, and including a coroner holding an inquest) established by or under a statutory provision, but does not include—
 - (a) a court, or
 - (b) any tribunal established by or under a statutory provision that could not have been included in an Act of the Northern Ireland Assembly made without the Secretary of State's consent;
 - “transmission” means any transmission by electronic means of a single image, a moving image or any sound.
- (3) A “live video link”, in relation to a person (“P”) taking part in proceedings, is 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.
- (4) Proceedings are conducted wholly as video proceedings if—
 - (a) directions have been given, whether under paragraph 2 of Schedule 27 to the Coronavirus Act 2020 or any other power, for all the persons taking part in the proceedings to do so through a live video link, and

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- (b) all those persons take part in the proceedings in accordance with those directions.
- (5) A “live audio link”, in relation to a person (“P”) taking part in proceedings, is 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
 - (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.
- (6) Proceedings are conducted wholly as audio proceedings if—
 - (a) directions have been given, whether under paragraph 2 of Schedule 27 to the Coronavirus Act 2020 or any other power, for all the persons taking part in the proceedings to do so through a live audio link, and
 - (b) all those persons take part in the proceedings in accordance with those directions.
- (7) An image or sound—
 - (a) is transmitted through a live video link if it is transmitted as part of a person's participation in court or tribunal proceedings through a live video link;
 - (b) is transmitted through a live audio link if it is transmitted as part of a person's participation in court or tribunal proceedings through a live audio link.
- (8) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of subsections (3) and (5).”

^{F1}PART 3

AVAILABILITY OF LIVE LINKS IN CERTAIN MAGISTRATES’
COURT PROCEEDINGS IN NORTHERN IRELAND

Textual Amendments

F1 Sch. 27 Pt. 3 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

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