

*Status: Point in time view as at 25/03/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, PART 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 27

#### USE OF LIVE LINKS IN LEGAL PROCEEDINGS: NORTHERN IRELAND

##### PART 1

#### POWERS OF COURTS AND TRIBUNALS TO DIRECT USE OF LIVE LINKS

##### *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
  - (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.

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- (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—
  - (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,

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- (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—
    - (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.

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