
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 30

**USE OF LIVE TELEVISION LINK OTHER
THAN FOR VULNERABLE WITNESSES**

Overseas witness giving evidence in the Crown Court

30.1.—(1) Any party may apply for leave under section 32(1) of the Criminal Justice Act 1988(1) for evidence to be given through a live television link by a witness who is outside the United Kingdom.

(2) An application under paragraph (1), and any matter relating thereto which, by virtue of the following provisions of this rule, falls to be determined by the Crown Court, may be dealt with in chambers by any judge of the Crown Court.

(3) An application under paragraph (1) shall be made by giving notice in writing, which shall be in the form set out in the Practice Direction.

(4) An application under paragraph (1) shall be made within 28 days after the date of the committal of the defendant or, as the case may be, of the giving of a notice of transfer under section 4(1)(c) of the Criminal Justice Act 1987(2), or of the service of copies of the documents containing the evidence on which the charge or charges are based under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998(3), or of the preferring of a bill of indictment in relation to the case.

(5) The period of 28 days in paragraph (4) may be extended by the Crown Court, either before or after it expires, on an application made in writing, specifying the grounds of the application. The court officer shall notify all the parties of the decision of the Crown Court.

(6) The notice under paragraph (3) or any application under paragraph (5) shall be sent to the court officer and at the same time a copy thereof shall be sent by the applicant to every other party to the proceedings.

(7) A party who receives a copy of a notice under paragraph (3) shall, within 28 days of the date of the notice, notify the applicant and the court officer, in writing—

- (a) whether or not he opposes the application, giving his reasons for any such opposition; and
- (b) whether or not he wishes to be represented at any hearing of the application.

(8) After the expiry of the period referred to in paragraph (7), the Crown Court shall determine whether an application under paragraph (1) is to be dealt with—

(1) 1988 c. 33; section 32(1) was amended by section 55 of the Criminal Justice Act 1991 (c. 53) and section 67 of, and Schedule 6 and paragraph 3 of Schedule 7 to, the Youth Justice and Criminal Evidence Act 1999 (c. 23).

(2) 1987 c. 38; section 4(1)(c) was amended by paragraphs 38 and 39 of Schedule 4 to the Access to Justice Act 1999 (c. 22). Section 4 is repealed by paragraph 58 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(3) 1998 c. 37; paragraph 1 of Schedule 3 was amended by section 67 of, and paragraph 106 of Schedule 15 to, the Access to Justice Act 1999 (c. 22), and is further amended by paragraphs 15 and 20 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

- (a) without a hearing; or
 - (b) at a hearing at which the applicant and such other party or parties as the court may direct may be represented;
 - (c) and the court officer shall notify the applicant and, where necessary, the other party or parties, of the time and place of any such hearing.
- (9) The court officer shall notify all the parties of the decision of the Crown Court in relation to an application under paragraph (1) and, where leave is granted, the notification shall state—
- (a) the country in which the witness will give evidence;
 - (b) if known, the place where the witness will give evidence;
 - (c) where the witness is to give evidence on behalf of the prosecutor, or where disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996⁽⁴⁾ (alibi) or by rules under section 81 of the Police and Criminal Evidence Act 1984⁽⁵⁾ (expert evidence), the name of the witness;
 - (d) the location of the Crown Court at which the trial should take place; and
 - (e) any conditions specified by the Crown Court in accordance with paragraph (10).
- (10) The Crown Court dealing with an application under paragraph (1) may specify that as a condition of the grant of leave the witness should give the evidence in the presence of a specified person who is able and willing to answer under oath or affirmation any questions the trial judge may put as to the circumstances in which the evidence is given, including questions about any persons who are present when the evidence is given and any matters which may affect the giving of the evidence.

[Note. For the corresponding rule in the Court of Appeal, see rule 68.7.]

(4) 1996 c. 25; section 5(7) was repealed by paragraphs 20 and 23 of Schedule 36 and Part 3 of Schedule 37 to the Criminal Justice Act 2003 (c. 44).

(5) 1984 c. 60; section 81 was amended by section 109(1) of, and paragraph 286 of Schedule 8 to, the Courts Act 2003 (c. 39).