

SCHEDULES

SCHEDULE 6

Regulations 36 and 37

Hearing a person by video-link or telephone conference

PART 1

Hearing by video-link

1. In this Part—
 - “nominated court” means a court nominated under regulation 36;
 - “overseas proceedings” and “video-link” have the meanings given by that regulation.
2. The nominated court has the same powers for securing the attendance of a person to give evidence through a video-link as it has for the purposes of securing the attendance of a witness in other proceedings.
3. In Scotland the nominated court has the power to issue a warrant to officers of law to cite a witness for the purpose of securing a person’s attendance to give evidence through the video-link, and section 156 of the Criminal Procedure (Scotland) Act 1995 applies in relation to such a witness.
4. The nominated court must establish the identity of the person concerned.
5. The person must be heard—
 - (a) in the presence of the nominated court;
 - (b) under the supervision of the court of the issuing State;
 - (c) in accordance with the laws of that State; and
 - (d) with any measures for the protection of the person concerned agreed between the central authority and the issuing authority.
6. The nominated court must intervene where it considers it necessary to do so to safeguard the rights of the person concerned.
7. A person cannot be compelled to give any evidence—
 - (a) which that person could not be compelled to give in criminal proceedings in the part of the United Kingdom in which the nominated court exercises jurisdiction;
 - (b) if doing so would be prejudicial to the security of the United Kingdom; or
 - (c) in that person’s capacity as an officer or servant of the Crown.
8. A certificate signed by or on behalf of the Secretary of State or, where the court is in Scotland, the Lord Advocate to the effect that paragraph 7(b) applies is conclusive evidence of that fact.
9. Rules of court must make provision for—
 - (a) the use of interpreters;
 - (b) the drawing up of a record of the hearing, and
 - (c) sending the record to the issuing authority.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 2

Hearing by telephone conference

10. In this Part, “nominated court” means a court nominated under regulation 37.
11. The nominated court must notify the witness or expert of the time when and the place at which that person is to be heard by telephone.
12. The nominated court must—
 - (a) establish the identity of the witness or expert, and
 - (b) be satisfied that the witness or expert is willing to be heard by telephone.
13. The witness or expert must be heard—
 - (a) in the presence of the nominated court;
 - (b) under the supervision of the court of the issuing State, and
 - (c) in accordance with the laws of that State.
14. Rules of court must make provision for—
 - (a) the use of interpreters;
 - (b) the drawing up of a record of the hearing, and
 - (c) sending the record to the issuing authority.