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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 18**

**MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE**

*LIVE LINK DIRECTIONS*

**Content of application for a live link direction**

**18.24.**—(1) An applicant for a live link direction must—

- (a) unless the court otherwise directs, identify the place from which the witness will give evidence;
- (b) if that place is in the United Kingdom, explain why it would be in the interests of the efficient or effective administration of justice for the witness to give evidence by live link;
- (c) if the applicant wants the witness to be accompanied by another person while giving evidence—
  - (i) name that person, if possible, and
  - (ii) explain why it is appropriate for the witness to be accompanied; and
- (d) ask for a hearing, if the applicant wants one, and explain why it is needed.

(2) An applicant for a live link direction under section 32 of the Criminal Justice Act 1988<sup>(1)</sup> who wants the court also to make a European investigation order must—

- (a) identify the participating State in which, and the place in that State from which, the witness will give evidence;
- (b) explain why it is necessary and proportionate to make a European investigation order;
- (c) if applicable, explain how the requirements of regulation 14 of the Criminal Justice (European Investigation Order) Regulations 2017<sup>(2)</sup> are met (Hearing a person by videoconference or telephone); and
- (d) attach a draft order in the form required by regulation 8 of the 2017 Regulations (Form and content of a European investigation order) and Directive 2014/41/EU.

(3) Where the court makes a European investigation order, the court officer must promptly—

- (a) issue an order in the form required by regulation 8 of the 2017 Regulations (Form and content of a European investigation order) and Directive 2014/41/EU;
- (b) where the applicant is a constable or a prosecuting authority, serve that order on the applicant; and

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<sup>(1)</sup> 1988 c. 33; section 32 was amended by section 55 of the Criminal Justice Act 1991 (c. 53), section 29 of, and paragraph 16 of Schedule 2 to, the Criminal Appeal Act 1995 (c. 35), section 62 of the Criminal Procedure and Investigations Act 1996 (c. 25), section 67 of, and Schedule 6 and paragraph 3 of Schedule 7 to, the Youth Justice and Criminal Evidence Act 1999 (c. 23) and paragraphs 24 and 26 of the Schedule to S.I. 2004/2035.

<sup>(2)</sup> S.I. 2017/730.

- (c) in any other case, serve that order on the appropriate authority in the participating State in which the measure or measures are to be carried out.

*[Note. See section 32 of the Criminal Justice Act 1988, section 51 of the Criminal Justice Act 2003(3) and regulation 6 of the Criminal Justice (European Investigation Order) Regulations 2017.*

*The Practice Direction sets out a form of application for use in connection with this rule.]*