

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7: Live Links in Criminal Proceedings

Section 51: Live Links: proceedings for failure to comply with certain orders or licence conditions

This section allows for live links to be used in proceedings where a person, already being held in custody, has to be brought before the court for failing to comply with a specified court order or with conditions under which a sexual offender is released on licence.

The section includes several safeguards, such as requiring the offender's consent before the court can direct that a live link be used, and the court must be satisfied that it is not contrary to the interests of justice for the offender to appear in this manner.

A further safeguard is the requirement on courts to adjourn proceedings for failure to comply with certain orders or licence conditions where the offender attending by live link cannot see or hear the court and be seen or heard by it, and this cannot be corrected immediately. The section also includes the procedure for giving or rescinding a live link direction. For example, in the case of a magistrates' court it must state and record its reasons for refusing or rescinding a direction.

The orders covered by these provisions are various community-related sanctions (eg probation) and sanctions for young persons (eg attendance centre orders, supervision orders). The section also enables the Department, by subordinate legislation, to add breaching other court orders made upon conviction and breaching conditions of other release licences. This would be by the affirmative resolution procedure.