

*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 52: Live Links: expert witnesses

This section provides that, where certain expert witnesses are to give evidence, the court's starting assumption should be that the expert's evidence will be given by live link.

The sorts of expert witness to whom these provisions apply are to be set out in Regulations made by the Department (and subject to affirmative resolution). For instance, this might be the prosecution's forensics or telecommunications experts.

The relevant experts would be expected to appear at certain hearings by live link from their place of work, thus saving them from travelling to court and therefore saving the costs, time and work associated with that travel. The hearings affected are preliminary hearings, trials and appeals.

As a consequence, the current application process of having to actively apply for a live link direction will be reversed to one of application for personal appearance. A 'personal appearance' direction would only be given if it were in the interests of justice and the efficient administration of justice.