
STATUTORY INSTRUMENTS

1999 No. 2789

The Criminal Evidence (Northern Ireland) Order 1999

^{F1}[^{F2}PART 2A

**USE OF LIVE LINK [^{F1}AND INTERMEDIARY] FOR
EVIDENCE OF CERTAIN ACCUSED PERSONS**

^{F1}[^{F2}^{F3}Live link directions

21A.—(1) This Article applies—

- (a) to any proceedings in a magistrates' court or before the Crown Court against a person for an offence; and
- (b) to any proceedings in the county court on an appeal by a person under Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981;

and in this Article references to “A” are to the person concerned.

(2) The court may, on the application of A, give a live link direction if it is satisfied—

- (a) that the conditions in paragraph (4) or paragraph (5) are met in relation to A when the application is made; and
- (b) that it is in the interests of justice for A to give evidence through a live link.

(3) A live link direction is a direction that any oral evidence to be given before the court by A is to be given through a live link.

(4) The conditions in this paragraph are that—

- (a) A has a physical disability or suffers from a physical disorder; and
- (b) A's ability to participate effectively in the proceedings as a witness giving oral evidence in court is for that reason compromised.

(5) The conditions in this paragraph are—

- (a) if A is aged under 18, that—
 - (i) A's ability to participate effectively in the proceedings as a witness giving oral evidence in court is compromised by A's level of intellectual ability or social functioning; and
 - (ii) use of a live link would enable A to participate more effectively in the proceedings as a witness (whether by improving the quality of A's evidence or otherwise);

(b) if A is aged 18 or over, that—

- (i) A suffers from a mental disorder (within the meaning of the Mental Health (Northern Ireland) Order 1986) or otherwise has a significant impairment of intelligence and social function;
- (ii) A is for that reason unable to participate effectively in the proceedings as a witness giving oral evidence in court; and

Changes to legislation: *The Criminal Evidence (Northern Ireland) Order 1999, Section 21A is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(iii) use of a live link would enable A to participate more effectively in the proceedings as a witness (whether by improving the quality of A's evidence or otherwise).

(6) While a live link direction has effect A may not give oral evidence before the court in the proceedings otherwise than through a live link.

(7) The court may discharge a live link direction at any time before or during any hearing to which it applies if it appears to the court to be in the interests of justice to do so (but this does not affect the power to give a further live link direction in relation to A). The court may exercise this power of its own motion or on an application by a party.

(8) The court must state in open court its reasons for—

(a) giving or discharging a live link direction, or

(b) refusing an application for or for the discharge of a live link direction,

and, if it is a magistrates' court, it must cause those reasons to be entered in the Order Book.]]

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| <p>F1 Words in Pt. 2A inserted (10.5.2013 for specified purposes, 11.11.2013 for specified purposes, 1.4.2015 for specified purposes, 3.4.2017 for specified purposes) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 12(2), 111(3); S.R. 2013/125, art. 2; S.R. 2013/252, art. 2; S.R. 2015/158, art. 2; S.R. 2017/6, art. 2</p> <p>F2 Pt. 2A (arts. 21A-21C) inserted (2.2.2009) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 82(2); S.R. 2008/472, art. 2(4), Sch. Pt. IV</p> <p>F3 Art. 21A substituted (5.7.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 19, 111(3) (with s. 106(4)); S.R. 2011/224, art. 2(a)</p> |
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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 29(3)(aa) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 11](#)
- art. 29(3)(aa) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 11](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(h\)](#)