



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

#### *[<sup>F1</sup>Live links*

#### Textual Amendments

**F1** Ss. 206A-206C inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 78, 116](#); S.I. 2009/3096, [art. 3\(u\)](#)

#### **206A Use of live links at <sup>F2</sup>... hearings**

- (1) This section applies in relation to—
  - (a) a hearing before the appropriate judge in proceedings under Part 1, <sup>F3</sup>...., and
  - (b) a hearing before the appropriate judge in proceedings under Part 2 <sup>F4</sup>....
- (2) If satisfied that [<sup>F5</sup>it is in the interests of justice to do so,] the appropriate judge may give a live link direction <sup>F6</sup>....
- <sup>F7</sup>(3) A live link direction is a direction requiring a person to take part in the hearing (in whatever capacity) through a live link.]
- (4) Such a direction—
  - (a) may be given on the appropriate judge's own motion or on the application of a party to the proceedings, and
  - (b) may be given in relation to all subsequent hearings to which this section applies, or to such hearing or hearings to which this section applies as may be specified or described in the direction.

<sup>F8</sup>(5) .....

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[<sup>F9</sup>(6) A person who takes part in the hearing through a live link is to be treated as present in court for the purposes of the hearing.]

#### Textual Amendments

- F2** Word in s. 206A heading omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(2\)\(a\)](#)
- F3** Words in s. 206A(1)(a) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(2\)\(b\)\(i\)](#)
- F4** Words in s. 206A(1)(b) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(2\)\(b\)\(ii\)](#)
- F5** Words in s. 206A(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(2\)\(c\)\(i\)](#)
- F6** Words in s. 206A(2) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(2\)\(c\)\(ii\)](#)
- F7** S. 206A(3) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(2\)\(d\)](#)
- F8** S. 206A(5) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(2\)\(e\)](#)
- F9** S. 206A(6) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(2\)\(f\)](#)

#### 206B Live links: supplementary

- (1) The appropriate judge may rescind a live link direction at any time before or during a hearing to which it relates.
- (2) The appropriate judge must not give a live link direction or rescind such a direction unless the parties to the proceedings have been given the opportunity to make representations.
- (3) If a hearing takes place in relation to the giving or rescinding of a live link direction, the appropriate judge may require or permit any party to the proceedings who wishes to make representations to do so through a live link.
- (4) If in a case where an appropriate judge has power to give a live link direction but decides not to do so, the appropriate judge must—
  - (a) state in open court the reasons for not doing so, and
  - (b) cause those reasons to be entered in the register of proceedings.
- (5) Subsection (7) applies if—
  - (a) an application for a live link direction is made under section 206A(4) in relation to a qualifying hearing but the application is refused, or
  - (b) a live link direction is given in relation to a qualifying hearing but the direction is rescinded before the hearing takes place.
- (6) A hearing is a qualifying hearing—
  - (a) in relation to proceedings under Part 1, if it is a hearing by virtue of which section 4(3) would be complied with;
  - (b) in relation to proceedings under Part 2, if it is a hearing by virtue of which section 72(3) [<sup>F10</sup>, 74(3) or 74A(3)] would be complied with.

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- (7) The requirement in section 4(3), 72(3) [<sup>F11</sup>, 74(3) or 74A(3)] (as the case requires) to bring the person as soon as practicable before the appropriate judge is to be read as a requirement to bring the person before that judge as soon as practicable after the application is refused or the direction is rescinded.

#### Textual Amendments

- F10** Words in s. 206B(6)(b) substituted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 22\(2\)](#); S.I. 2020/1652, reg. 2(1)(b)
- F11** Words in s. 206B(7) substituted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 22\(3\)](#); S.I. 2020/1652, reg. 2(1)(b)

### 206C Live links: interpretation

- (1) This section applies for the purposes of section 206A and subsections (2) and (3) also apply for the purposes of section 206B.
- (2) In relation to proceedings under Part 1, section 67 applies for determining the appropriate judge.
- (3) In relation to proceedings under Part 2, section 139 applies for determining the appropriate judge.

<sup>F12</sup>(4) .....

<sup>F13</sup>(5) .....

- (6) “Live link” means an arrangement by which a person [<sup>F14</sup>(P)] is able—
- (a) to see and hear [<sup>F15</sup>all other persons taking part in the hearing who are not in the same location as P, and]
- (b) to be seen and heard by [<sup>F16</sup>all other persons taking part in the hearing who are not in the same location as P.]

<sup>F17</sup> ...

[ For the purposes of subsection (6) the following matters are to be disregarded—

- <sup>F18</sup>(7) (a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;
- (b) the effect of any direction or order which provides for one person taking part in a hearing to be prevented by means of a screen or other arrangement from seeing another person taking part in the hearing.]]

#### Textual Amendments

- F12** S. 206C(4) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(3\)\(a\)](#)
- F13** S. 206C(5) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(3\)\(a\)](#)
- F14** Word in s. 206C(6) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(3\)\(b\)\(i\)](#)
- F15** Words in s. 206C(6)(a) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), [Sch. 20 para. 2\(3\)\(b\)\(ii\)](#)

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- F16** Words in s. 206C(6)(b) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(y), **Sch. 20 para. 2(3)(b)(iii)**
- F17** Words in s. 206C(6) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(y), **Sch. 20 para. 2(3)(b)(iv)**
- F18** S. 206C(7) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(y), **Sch. 20 para. 2(3)(c)**

**Changes to legislation:**

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