



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 3

CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

CHAPTER 4

LIVE LINKS

109 Use of live link in certain enforcement hearings

(1) After section 57E of the Crime and Disorder Act 1998 (c. 37) insert—

“57F Use of live link in certain enforcement hearings

- (1) This section applies where—
 - (a) a confiscation order is made against a person; and
 - (b) the amount required to be paid under the order is not paid when it is required to be paid.
- (2) If it appears to the court before which an enforcement hearing relating to the confiscation order is to take place that it is likely that the person will be held in custody at the time of the hearing, the court may give a live link direction under this section in relation to that hearing.
- (3) A live link direction under this section is a direction requiring the person, if the person is being held in custody at the time of the hearing, to attend it through a live link from the place at which the person is being held.
- (4) Such a direction—
 - (a) may be given by the court of its own motion or on an application by a party; and

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- (b) may be given in relation to all subsequent enforcement hearings before the court or to such hearing or hearings as may be specified or described in the direction.
- (5) The court may rescind a live link direction under this section at any time before or during a hearing to which it relates.
- (6) The court may not give or rescind a live link direction under this section (whether at a hearing or otherwise) unless the parties to the proceedings have been given the opportunity to make representations.
- (7) If a hearing takes place in relation to the giving or rescinding of such a direction, the court may require or permit any party to the proceedings who wishes to make representations in relation to the giving or rescission of a live link direction under this section to do so through a live link.
- (8) The person may not give oral evidence while attending a hearing through a live link by virtue of this section unless the court is satisfied that it is not contrary to the interests of justice for the person to give it that way.
- (9) If in a case where it has power to do so a court decides not to give a live link direction under this section, it must—
 - (a) state in open court its reasons for not doing so; and
 - (b) cause those reasons to be entered in the register of its proceedings.
- (10) The following functions of a magistrates' court under this section may be discharged by a single justice—
 - (a) giving a live link direction under this section;
 - (b) rescinding a live link direction before a preliminary hearing begins; and
 - (c) requiring or permitting a person to attend by live link a hearing about a matter within paragraph (a) or (b).”
- (2) In section 57A of that Act (introductory)—
 - (a) in subsection (1)—
 - (i) in paragraph (a), after “an offence” insert “ and enforcement hearings relating to confiscation orders ”, and
 - (ii) in paragraph (b), for “and 57E” substitute “ , 57E and 57F ”, and
 - (b) in subsection (3), at the appropriate place insert—
 - ““confiscation order” means an order made under—
 - (a) section 71 of the Criminal Justice Act 1988;
 - (b) section 2 of the Drug Trafficking Act 1994; or
 - (c) section 6 of the Proceeds of Crime Act 2002;”, and
 - “ “enforcement hearing” means a hearing under section 82 of the Magistrates' Courts Act 1980 to consider the issuing of a warrant of committal or to inquire into a person's means;”.
- (3) In the title of Part 3A of that Act, for “AND SENTENCING” substitute “ , SENTENCING AND OTHER ”.

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Commencement Information

II S. 109 in force at 14.12.2009 by S.I. 2009/3253, **art. 2(b)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

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

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)