
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 14th December 2009 the provisions of the Coroners and Justice Act 2009 set out in article 2. Those provisions amend sections 57B, 57D and 57E of the Crime and Disorder Act 1998, which relate to “live links”. A live link is a video-link between a court and either a police station or a place where a person is being held in custody. The amendments enable directions in relation to live links to be made by a single justice as well as a full bench, remove the need for the accused to consent to the making of a direction, and ensure that a direction may not be made unless the court is satisfied that it is not contrary to the interests of justice to do so. The amendments to section 57B and 57E do not apply to a live link direction given before 14th December 2009 (article 4(1)).

Article 2 also inserts a new section 57F into the 1998 Act to allow certain enforcement hearings to be heard by live link, and amends section 31A of the Criminal Appeal Act 1968 to allow the Registrar of Criminal Appeals to give a live link direction.

The Order also brings into force on 14th December 2009 the provisions of the 2009 Act set out in article 3, but only in relation to the areas listed. Those provisions amend section 57C of the 1998 Act – relating to live links from police stations in preliminary hearings – and make consequential amendments to sections 46ZA and 46A of the Police and Criminal Evidence Act 1984 to reflect the removal of the need for the accused to consent to a live link direction. So far as these changes otherwise apply to a person at a police station to answer to live link bail, they do not apply if that bail was granted before 14th December 2009 (article 4(2) to (4)).

By commencing section 108 of the 2009 Act, the effect of article 3 is to insert new sections 54B and 54C into the 1984 Act to allow searches to be conducted of persons answering to live link bail at a police station. These too apply just to the listed areas.