

## APPLICATION FOR A WITNESS TO GIVE EVIDENCE BY LIVE LINK

(NOT AS A SPECIAL MEASURES DIRECTION)

*(Criminal Procedure Rules, rr. 18.3 and 18.24)*

### Case details

Name of defendant:

Court:

Case reference number:

Charge(s):

### How to use this form

This form includes notes to help you complete it. This form is NOT for use where the applicant wants a special measures direction for a young or vulnerable witness under Criminal Procedure Rules 18.3 and 18.10.

**1. Complete the box above and give the details required in the boxes below. You must complete Parts A and B in all cases, and Parts C to E as appropriate.**

If you use an electronic version of this form, the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.

**2. Sign and date the completed form.**

**3. Send a copy of the completed form to:**

**(a) the court, and**

**(b) each other party to the case.**

### Notes:

1. You must send this form so as to reach the recipients within the time prescribed by Criminal Procedure Rule 18.3. The court may extend that time limit, **but if you are late you must explain why.**

2. A party who wants to make representations about this application must serve those representations under Criminal Procedure Rule 18.26 **not more than 14 days after service of this application.**

### **PART A: information about this application**

**A1. Do you want a hearing of this application ?**

**No**

**Yes**  If yes, explain why.

**A2. Is this application late ?**

**No**

**Yes**  If yes, explain why.

**A3. Have you applied for a live link direction for this witness in this case before ?**

**No**

**Yes**  If yes, give details and explain what has changed since then.

**PART B: information about the witness**

**B1. Witness' details**

Name of witness:

**B2. Do you want the witness to give evidence by live link:**

**from outside the United Kingdom ?**  **or**

**from outside the court building,  
but inside the UK ?**

Tick which you propose. If you want the witness to give evidence from *outside* the UK, answer the questions in Part C. If you want the witness to give evidence from somewhere *inside* the UK (but outside the court building), answer the questions in Part D.

**B3. Do you want someone to accompany the witness while he or she gives evidence ?**

**No**

**Yes**

If yes, give that person's name, if possible. Explain why it is appropriate for the witness to be accompanied.

**B4. Will the witness need to examine any document or object while giving evidence ?**

**No**

**Yes**

If yes, give details.

**PART C: evidence by live link from *outside* the UK**

**C1. From where do you want the witness to give evidence ?** Specify the country. If you do not want to give the address, explain why.

**C2. Explain on what grounds you want the court to allow the witness to give evidence by live link<sup>1</sup>.**

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<sup>1</sup> There are no statutory grounds. Applicants may find it helpful to consider the grounds relevant to Part D. See the notes for guidance at the end of this form.



## Notes for Guidance

### Evidence by live link

This form is NOT for use where the applicant wants a special measures direction for a young or vulnerable witness under Criminal Procedure Rules 18.3 and 18.10. See the form for use with those rules.

'Live link' means a live television link or other arrangement by means of which, although the witness is outside the courtroom—

- (a) the witness can see and hear the proceedings in the courtroom; and
- (b) the judge, the magistrates and jury (as applicable), the defendant, the parties' legal representatives, and any interpreter or other person appointed to assist the witness can see and hear the witness.

Under section 32 of the Criminal Justice Act 1988, the court can allow a witness who is *outside* the United Kingdom to give evidence by live link—

- (a) in proceedings in a youth court, or on appeal from such proceedings; or
- (b) at a trial in the Crown Court, or on appeal from such a trial.

The Act specifies no other criteria.

Under section 51 of the Criminal Justice Act 2003, the court can allow a witness who is *in* the United Kingdom, but outside the building in which the proceedings are held, to give evidence by live link if the court is satisfied that that is in the interests of the efficient or effective administration of justice.

The court must consider all the circumstances of the case and in particular—

- (a) the availability of the witness;
- (b) the need for the witness to attend in person;
- (c) the importance of the witness' evidence to the proceedings;
- (d) the views of the witness;
- (e) the suitability of the facilities at the place where the witness would give evidence through a live link;
- (f) whether a direction might tend to inhibit any party to the proceedings from effectively testing the witness' evidence.

If the court thinks it appropriate, a live link direction may provide for a specified person to accompany the witness while the witness gives evidence. In deciding whether to make such a direction, and who the companion should be, the court will have regard to the witness' own views. When making the application, the applicant may not know the proposed companion's name (for example, because it will be a member of the witness service not yet identified). In that case, give such details as are available and inform the court when the companion's name is known.

The applicant should give the address from which the witness will give evidence, unless there are reasons for asking the court to allow it to be withheld.

### Arrangements for establishing a live link

Guidance produced by Her Majesty's Courts Service is available from the court.