FROM THE OFFICE OF THE JUSTICE MINISTER

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Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
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25 June 2026

Dear Kathy,

SL1: THE CORONAVIRUS ACT 2020 (EXTENSION OF PROVISIONS RELATING TO LIVE LINKS FOR COURTS AND TRIBUNALS) (NO.2) ORDER (NORTHERN IRELAND) 2026

The Department of Justice proposes to make the above Statutory Rule under powers conferred by section 90(2) of the Coronavirus Act 2020 (the 2020 Act). The Statutory Rule is subject to the confirmatory resolution procedure before the Assembly.

Purpose of the Statutory Rule

This Statutory Rule would extend, for a further six-month period, the ability to use live links in courts and tribunals in Northern Ireland. The current live links provisions are due to expire on 24 September 2026. The proposed Statutory Rule would extend those provisions until 24 March 2027.

The Department has kept the justification for continued reliance on the temporary provisions under review. The Justice Bill, currently being progressed through the Assembly, is intended to make permanent provision for the wider use of live links in courts and tribunals. A further extension is required to maintain the current legislative position while those permanent provisions continue through the Assembly process.

The context of this additional extension remains the substantial level of outstanding cases in the criminal courts, together with the need to maintain the current legislative position while the Justice Bill, which contains permanent provision for the use of live links, completes its Assembly passage. The Department's analysis of live case numbers at any stage, and of processing times for cases completed at courts in the years 2019/20 - 2025/26, indicates the pandemic not only had an impact (one of several), but continues to do so.

Figures show:

- the total number of live Crown Court cases from the point at which a person is charged or informed has increased from 940 cases on 1 March 2020, to 2,223 on 1 May 2026 (up 136.5% from the figure on 1 March 2020); and
- for adult magistrates' court cases, from the point at which a person is charged or informed, the figure has also risen, from 25,604 cases on 1 March 2020, to 29,617 on 1 May 2026 (up 15.7% from the figure on 1 March 2020).

There have also been percentage increases for the same periods for live cases in Crown Court or magistrates' courts. The management information available in May 2026 indicated that 12,497 defendants were processing through the criminal court system, compared to 7,269 in March 2020. Both magistrates' and Crown Courts depend on the continuing ability of the system to use remote hearings.

The court system remains under considerable pressure dealing with increased caseloads and it will take further time and resources to resolve this issue. The live link provisions are an essential tool to maintain progression of cases through the courts, in particular within the criminal courts. There is evidence the continuation of live links facilitates the conduct of suitable court business remotely, and the efficient management of court time. The roll-out of the Justice Video Platform was completed in mid-November 2025 and continues to support remote and hybrid hearings.

The Department considers this further extension is an appropriate legislative response to the situation in the criminal courts which, but for the pandemic, would not be as substantial or persistent. While the pandemic is not the sole factor playing a role in the level of the

backlog, it is considered to be one factor. It will take further time and resources to resolve this issue. The withdrawal by members of the Criminal Bar Association from legally aided Crown Court cases in 2025 and 2026 has also had an impact on case throughput

Previous engagement with the Justice Committee

The proposed Statutory Rule will be the tenth sequential Statutory Rule made under powers conferred by section 90(2) of the 2020 Act. It will further extend the provisions in the 2020 Act for a period of six months and will allow courts and statutory tribunals in Northern Ireland to conduct their business, wholly or in part, through the medium of audio or video live links.

As with previous extensions, the Department proposes to lay the Statutory Rule subject to the confirmatory resolution procedure before the Assembly.

The Statutory Rule will continue provision for Parts 1 and 2 of Schedule 27 to the 2020 Act to remain in force. Part 1 includes provision enabling any court or tribunal in Northern Ireland to allow any hearing it deems fit or necessary to proceed by way of live link, provided it is satisfied that it is in the interests of justice to do so. Part 2 includes provisions which permit a court or tribunal to make arrangements for all or any part of a hearing, being conducted wholly by video or audio live link, to be broadcast, or for a recording of the proceedings to be made. The court or tribunal may issue a direction for proceedings to be broadcast where this is necessary to preserve the principle of open justice.

These provisions were initially due to expire in March 2022. Part 2 of the 2020 Act allows the devolved authorities to make secondary legislation to extend provisions falling within their remit. The maximum period allowed for any extension of the relevant provisions is six months.

The first extension of these provisions occurred through The Coronavirus Act 2020 (Extension of Provisions Relating to Courts, Tribunals and Inquests) Order (Northern Ireland) 2022 (SR 2022 No.24), which was made on 27 January 2022 and extended the provisions to 24 September 2022. There have since been nine further similar Statutory Rules:

SR 2022 No.227, made on 23 September 2022;

SR 2023 No.46, made on 21 March 2023;

SR 2023 No.138, made on 21 September 2023;

SR 2024 No.72, made on 21 March 2024;

SR 2024 No.173, made on 20 September 2024;

SR 2025 No.61, made on 19 March 2025;

SR 2025 No.151, made on 22 September 2025;

SR 2026 No.55, made on 16 March 2026; and

SR 2026 No.55 extended the relevant provisions until 24 September 2026 and was approved by the Assembly on 5 May 2026.

The Justice Bill has completed Committee Stage and is currently at Consideration Stage. The Assembly has considered live links amendments at Consideration Stage, and Further Consideration Stage is to be scheduled on completion of Consideration Stage. Depending on the progress of the Justice Bill, a further extension may not be required after March 2027 if the live links provisions in the Bill are enacted and commenced before then.

Financial Implications

There are no financial implications as a result of this Statutory Rule.

Consultation

A separate consultation on this instrument is not considered necessary. The proposed Statutory Rule extends existing temporary provisions pending permanent primary legislation, and there have already been several consultation and targeted engagement exercises on the continued use of live links in courts and tribunals.

While no public consultation occurred in advance of the 2020 Act, given that it was legislation created to address a public health emergency, the Department has since conducted a targeted engagement exercise in November 2021, a public consultation exercise between July and September 2022, and a further targeted engagement exercise in June and July 2023.

The Committee will recall that thirty-four of the thirty-eight responses received during the 2022 public consultation favoured the judiciary continuing to be able to determine whether the use of live links was in the interests of justice for any particular case or participant. The majority of responses received to that consultation recognised the benefits of the wider use of live links and supported continuing to permit their use where the judiciary is satisfied that it is in the interests of justice.

A report summarising the responses received to the public consultation was published on 13 March 2023 and is available on the Department's website. A Way Forward report was published in September 2024 and is also available on the Department's website. The live links provisions being progressed through the Justice Bill reflect the policy position developed through that earlier consultation and engagement work.

Since the public consultation in 2022, and in advance of the September 2023 Statutory Rule, a targeted engagement exercise was conducted with the main users of live links. That exercise sought views on the proposed September 2023 extension and potential further extensions. Forty-two responses were received by 5 July 2023, displaying recognition of the need to retain the provisions to support recovery in the justice system and support for their retention beyond March 2024. A report on the responses received to the 2023 exercise was published in November 2023 and is available on the Department's website.

Compliance with Section 24 of the Northern Ireland Act 1998

The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is not incompatible with Convention rights; is not incompatible with Article 2(1) of the Windsor Framework; does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

Consideration by the Executive

The Committee will be aware that an Executive paper on retaining live links (EXP/21/568 refers) was circulated in October 2021. This resulted in Executive agreement to a two-stage approach to providing for the wider use of audio and video conferencing systems,

known as live links, in courts and tribunals in Northern Ireland until primary legislation could be brought forward as part of the planned modernisation of the justice system.

The projected timescale within that paper was affected by the absence of the Executive from October 2022 until February 2024. The Justice Bill has since been introduced and is being progressed through the Assembly. The Bill includes provisions intended to provide permanent legislative authority for the wider use of live links in courts and tribunals.

Equality Impact

As the Committee will be aware, the Department had the opportunity to contribute to the equality analysis undertaken by Whitehall departments during the development of the 2020 Act. That analysis concluded that no adverse equality impacts were anticipated as a result of these provisions.

The provisions of the Statutory Rule are technical in nature and are not identified as requiring the conduct of an equality impact assessment. No new policy is being implemented. The Statutory Rule maintains existing temporary provisions while permanent primary legislation is progressed through the Assembly.

The Department has, however, reviewed and updated relevant screening assessments in connection with earlier extensions and has reviewed the position again for the proposed September 2026 extension. This includes the section 75 screening, the Data Protection Impact Assessment and the Rural Needs Impact Assessment.

The provisions apply equally to all groups and include inbuilt safeguards. A court or tribunal may make any adjustment identified as relevant to the circumstances or needs of an individual participant or party to proceedings when the use of live links is proposed. This includes the relevant judge being required to be satisfied that a fair hearing can be provided and that the use of remote attendance or the receipt of evidence by live link is in the interests of justice.

The continued use of the legislation is conducted by the judiciary, taking account of the most recent guidance issued by the Lady Chief Justice on 20 October 2025. The 20 October 2025 “Guidance on Physical (In-Person), Remote & Hybrid Attendance”

identifies substantive hearings in both civil and criminal courts, as well as disputed bail applications in the High Court, as requiring in-person attendance unless otherwise directed. It also indicates that a range of interlocutory hearings may be suitable for remote attendance with the permission of the judiciary.

The judiciary also has access to the Equal Treatment Bench Book (ETBB), which aims to increase awareness and understanding of the different circumstances of people appearing in courts and tribunals where those circumstances may present a barrier to effective participation. The ETBB includes guidance on children, young people and vulnerable adults; persons with physical or mental disability; mental capacity; gender-related circumstances; race and ethnicity; religion; sexual orientation; social exclusion and poverty; and remote hearings.

The Department's periodic reviews of the initial equality screening draw upon feedback from users of live links, operational assessment by the Northern Ireland Courts and Tribunals Service (NICTS), and the Northern Ireland Statistics and Research Agency (NISRA) report "A qualitative analysis of Remote and Hybrid Hearings", published in December 2022.

The NISRA report identified that vulnerable people and/or those with a disability may find it easier to participate from a familiar environment or a solicitor's office, and that the logistics of travelling to and attending a court building may create difficulties for some people. It also noted the importance of considering those with caring responsibilities and ensuring access to justice in a way that best suits their needs.

To date, no adverse impacts for any of the nine categories in section 75 of the Northern Ireland Act 1998 have been identified which are not met by the flexibility provided to individual judges to determine whether the use of live links is in the interests of justice for a particular individual or hearing. The legislation recognises that live link technology may not be suitable for everyone and allows the views and circumstances of participants to be taken into account.

Regulatory Impact

A Regulatory Impact Assessment is not considered necessary as the Statutory Rule does not impose costs on businesses, charities or voluntary groups.

Rural Needs Impact

The Rural Needs Impact Assessment has been reviewed for the proposed September 2026 extension and has not identified evidence of differential rural impact.

Data Protection Impact

The Data Protection Impact Assessment (DPIA) has been reviewed for the proposed September 2026 extension. The DPIA has identified data protection risks arising from the continued use of live links. Those risks are managed through operational controls maintained by the Northern Ireland Courts and Tribunals Service (NICTS) and Tribunal Appeals Service (TAS).

Advice and feedback from the Information Commissioner's Office and the Department of Justice Data Protection Officer have been incorporated into the DPIA. The DPIA also reflects that SightLink has now been replaced by the Justice Video Platform (JVP), which is hosted in a Webex environment.

Child Rights Impact Assessment

A Child Rights Impact Assessment is not required as the Statutory Rule is a continuation of an existing policy and does not introduce a new policy.

Position in Great Britain

The Police, Crime, Sentencing and Courts Act 2022 introduced replacement provisions for the criminal courts in England and Wales. Scotland has also made replacement provision through the Coronavirus (Recovery and Reform) (Scotland) Act 2022. The position in Great Britain does not remove the need for Northern Ireland-specific provision while permanent live links provision is progressed through the Justice Bill.

Proposed timing of consideration of the SL1

It is proposed that the Justice Committee consider this SL1 and draft Statutory Rule at its Committee meeting scheduled for 17 September 2026.

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Proposed operational date

The Minister will be asked to make the Order on or before 23 September 2026 so that the relevant provisions do not expire on 24 September 2026 and expire instead on 24 March 2027.

Yours sincerely

FIONA SCULLION
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Copied to:
Assembly & Legislation Section (Executive Office)
Northern Ireland Human Rights Commission
Equality Commission for Northern Ireland