

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

Minister's Office
Castle Buildings Block C
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG

JCP126117

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

5 February 2026

Dear Kathy,

SL1: THE CORONAVIRUS ACT 2020 (EXTENSION OF PROVISIONS RELATING TO LIVE LINKS FOR COURTS AND TRIBUNALS) ORDER (NORTHERN IRELAND) 2026

The Department of Justice proposes to make the above Statutory Rule under powers conferred by section 90 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 Department has been keeping the justification for continued reliance on the temporary provisions under constant review and further detail of the relevant material relied upon by the Department is included in the attached **Appendix A**. The Justice Bill, currently before the Assembly, will eventually make permanent provision for the use of live links here.

Previous engagement with the Justice Committee

The proposed Statutory Rule will be the ninth sequential Statutory Rule to be made under powers conferred by section 90 of the Coronavirus Act 2020 (the 2020 Act). The Statutory Rule will further extend the provisions in the 2020 Act for a period of six months to

September 2026 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 (commonly referred to as live links).

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

The Statutory Rule creates provision for Parts 1 and 2 of Schedule 27 of the 2020 Act to remain in force. Part 1 includes provision enabling any court or tribunal in this jurisdiction to allow any hearing it deems fit or necessary to proceed by way of live link so long as it is satisfied that it is in the interests of justice to do so, and 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 can issue a direction for the proceedings to be broadcast to enable members of the public to hear the proceedings (as a route to preserving the principle of open justice).

These provisions were initially due to expire on 25 March 2022, that date of expiry being provided by s.89(1) of the 2020 Act. Part 2 of the 2020 Act allowed each of the Devolved Authorities to make secondary legislation to extend any provisions which fell within their remit and did not require the consent of the relevant Secretary of State. The maximum period allowed for any extension of the relevant provisions within the 2020 Act is six months. The first extension of these provisions occurred through The Coronavirus Act 2020 (Extension of Provisions Related to Courts, Tribunals and Inquests) Order (Northern Ireland) 2022 (SR 2022 No.24). This Statutory Rule extended the provisions to 24 September 2022. The Northern Ireland Assembly approved that Statutory Rule on 1 March 2022.

There have since been seven further similar Statutory Rules which are SR 2022 No.227 (made on 23 September 2022), SR 2023 No.46 (made 21 March 2023), SR 2023 No.138 (made on 21 September 2023, approved by the Northern Ireland Assembly on 11 March 2024), SR 2024 No.72 (made on 21 March 2024) and approved by the Northern Ireland Assembly on 14 May 2024), SR 2024 No.173 (made 21 September 2024 and approved by the Northern Ireland Assembly on 4 November 2024), SR 2025 No.61 (made on the 19 March 2025 and approved by the Northern Ireland Assembly on 6 May 2025) and SR 2025 No. 151 (made on 22 September 2025 All provided sequential additional extensions of these provisions on each occasion for a further period of six months with this proposed Statutory Rule permitting the continued wider use of live links until 24 September 2026.

Depending on the progress of the Justice Bill, further extension may not be required after September 2026 as provisions to facilitate the wider use of video and audio-conferencing systems (commonly referred to as live links) within the courts (criminal and civil) and Tribunals have been tabled as amendments to the Bill.

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 as there have already been several consultation or targeted engagement exercises on the use of s.90(2) of the 2020 Act to maintain access to these wider provisions for conducting hearings or other courts and tribunal business remotely pending the enactment of new primary legislation.

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

The Committee will recall that thirty-four of the thirty-eight responses received during 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 (89%) received to that public consultation recognised the benefits of the wider use of live links and supported continuing to permit their use, where the judiciary are satisfied it is in the interests of justice. A report summarising the responses received to the public consultation was published on 13 March 2023 and can be found at the Department's website at [Audio and Video Links Live Links Consultation Responses | Department of Justice \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/consultation/live-links-consultation-responses). Since the return in February 2024 of the Executive and the Northern Ireland Assembly, a Way Forward report has been published to the public consultation in late September 2024 and can be found at the Department's website at [summary report audio and video links for nicts - hearings.pdf](https://www.justice-ni.gov.uk/consultation/summary-report-audio-and-video-links-for-nicts-hearings.pdf). The proposed clauses on live links for courts and tribunals intended for including in the current Justice Bill, shared earlier this year with the Committee, are reflected in that 2024 report and appear from the published papers provided to the Committee to generally have been positively received.

Since the public consultation in 2022, and in advance of the September 2023 Statutory Rule, a targeted engagement exercise was conducted. The 2023 engagement exercise not only sought to assess views on and support for the proposed September 2023 extension of these provisions but also on potential further extensions.

The 2023 engagement exercise with the main users of live links received forty-two responses by 5 July 2023 which displayed both a recognition of the need for retention of these provisions to aid recovery of the justice system and support for their retention beyond March 2024. Ninety-seven percent of respondents indicated support for the



September 2023 extension order and other extension orders

beyond March 2024. A report on the responses received to the 2023 exercise was published in November 2023 and can be found at the Department's website at [Report on extending the use of live links in courts and tribunals in Northern Ireland | Department of Justice \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/Report-on-extending-the-use-of-live-links-in-courts-and-tribunals-in-Northern-Ireland-Department-of-Justice)

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 the Convention rights; is not incompatible with Article 2(1) of the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement (rights of individuals); 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 which resulted in Executive agreement upon 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 but the Committee has had sight of proposed live links clauses provided in January 2025 as proposed amendments to the Justice Bill currently with the Committee following its introduction to the Northern Ireland Assembly in October 2024.

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 which concluded that no adverse equality impacts were anticipated as a result of these provisions.

The provisions of the Statutory Rule are technical in their nature and are not identified as requiring the conduct of an equality impact assessment. No new policy is being implemented but several reviews have been conducted of earlier screening assessments, including for the July 2022 public consultation which included reference to the September 2022 Statutory Rule. An updated screening assessment was conducted for earlier Statutory Rules including for S.R. 2025 No.61 made in March 2025, and S.R. 2025 No. 151 made in September 2025. We continue to review and update, where necessary, our section 75, Data Protection Impact Assessment and Rural Impact Assessment screenings.

The provisions apply equally to all groups, and the relevant legislative provision includes inbuilt mitigations. The court or tribunal can make any adjustment identified as relevant to the circumstances or needs of an individual participant or a party to proceedings when the use of live links is proposed. These include a relevant judge being required to be satisfied a 'fair' hearing can be provided and that the use of a remote hearing or receipt of evidence by live links 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 October 2025 "Guidance on Physical (In-Person), Remote & Hybrid Attendance"¹ identifies substantive hearings in both civil and criminal courts as well as disputed bail applications in High Court require in-person attendance while a range of interlocutory hearings may be more appropriate for remote attendance with permission of the judiciary.

The judiciary also has access to the Equal Treatment Bench Book (version July 2024 as updated in May 2025).² The Equal Treatment Bench Book (ETBB) aims to increase awareness and understanding of the different circumstances of people appearing in courts and tribunals presenting a potential barrier to effective participation. It helps to enable effective communication and suggests steps which should increase participation by all parties. The range of chapters covering specific or individual circumstances include: - children, young people and vulnerable adults; persons with physical or mental disability, mental capacity, gender-related circumstances, race and ethnicity, religion, sexual orientation as well as social exclusion and poverty. There is an Appendix E with guidance on remote hearings and signposting to relevant sections of the main Handbook for guidance on potential benefits or difficulties which may arise with remote evidence or hearings.

The Department's periodic reviews of the initial equality impact screening draws upon the various methods utilised by the Northern Ireland Courts and Tribunal Service (NICTS) for data collection or assessments undertaken on the use and impact of audio and visual links in the courts as well as feedback from the main users of live links and the assessment specific to the technology conducted in 2022 by NICTS, the outworkings of which remain current.

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. Indications are if or where language or another barrier, such as visual or hearing impairments or learning difficulties, may mean specific

¹ - [Guidance on Physical Remote and Hybrid Attendance - FINAL - 201025_3.pdfA](#)

² [Equal Treatment Bench Book - Courts and Tribunals Judiciary](#)

support is required such as an interpreter or some support, there is flexibility within the legislation for the judge to consider whether live link is suitable for that specific person. The Department, through operational colleagues within NICTS, continues to keep the effectiveness of this approach under review.

The Northern Ireland Statistics and Research Agency (NISRA) conducted an independent review, at the request of NICTS, resulting in a report “A qualitative analysis of Remote and Hybrid Hearings”. The report [NICTS - A qualitative analysis of Remote and Hybrid Hearings | Department of Justice \(justice-ni.gov.uk\)](#) was published in December 2022 and identified that vulnerable people and/or those with a disability may find it easier to be in a familiar environment or a solicitor’s office where they can feel more comfortable. For face-to-face hearings the logistics of travelling to a court building, finding parking and attending a court can cause difficulties. Comment included that consideration should be given to those people with caring responsibilities, again ensuring they have access to justice that best suits their needs.

The Department remains of the view, as evidenced by the NISRA report, that the safeguards already provided, wherein adjustments can be made ‘in the interests of justice’, address the needs of participants and any concerns appropriately. The legislation recognises this technology may not be suitable for all and provision is made which allows their views to be heard and taken into consideration in any decision on the use of live links.

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 was reviewed in January 2026 and provided no evidence of differential impact in this regard.

Data Protection Impact

The Data Protection Impact Assessment was reviewed in January 2026, and previously prior to the March 2025 S.R. 2025 No.61 and September 2025 S.R. 2025 No. 161. The DPIA has identified low risk of minimum impact and risk is managed by Northern Ireland Courts and Tribunals Service (NICTS) and Tribunal Appeal Service (TAS). Advice and feedback from the ICO and DOJ Data Protection Officer has been incorporated into this DPIA and approved by the DoJ Senior Information Asset Owner.

Child Rights Impact Assessment

Not required as this SR is a continuation of an existing policy.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

Position in Great Britain

The Police, Crime, Sentencing and Court Act 2022 introduced replacement provisions for the criminal courts in England and Wales to those introduced within the Coronavirus Act 2020. Despite this England and Wales, as well as Scotland, report continuing impact from the pandemic upon their criminal courts. Further details are included in the Appendix A.

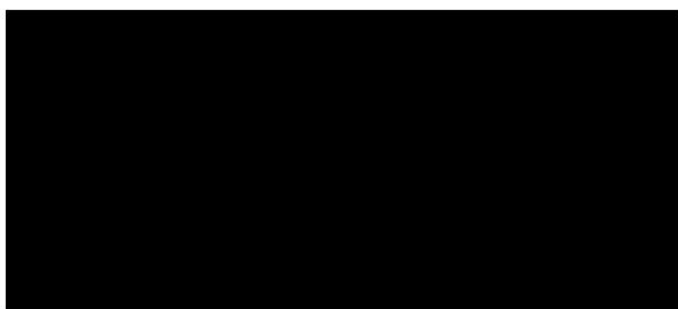
Proposed timing of consideration of the SL1

It is proposed that the Justice Committee consider this SL1 and draft Statutory Rule at their Committee meeting scheduled for 5 March 2026 and that papers have been submitted to them in accordance with the four-week timeframe.

Proposed operational date

The Minister will make the Order on or before 23 March 2026 for it to continue those provisions within the 2020 Act from 24 March 2026 until midnight 23 September 2026.

Yours faithfully



Copied to:

Assembly & Legislation Section (Executive Office)
Human Rights Commission
Equality Commission