



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 82/25

04 November 2025

NIAR 74-2025

Justice Bill: Live Links Amendments

Judith Bailie

This paper provides an overview of the amendments to the Justice Bill relating to live links.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Key Points

- This set of amendments to the Justice Bill would provide for the longer-term use of live links for criminal and civil proceedings. This forms part of wider strategies aimed at increasing digitalisation across the Northern Ireland Courts and Tribunals Service.
- A 'live link' is the term often used for audio and video-conferencing technology. Courts and tribunals currently rely on this for remote hearings under temporary provisions contained in the Coronavirus Act 2020. These require extension via secondary legislation on a regular basis.
- In July 2022, the Department of Justice conducted a public consultation on the wider use of live links by the courts with a majority of responses (34 of 38) expressing support for this and favouring the judiciary being able to continue to determine whether the use of live links is in the 'interests of justice' for any particular case.
- Clause 21E sets out the 'interests of justice test'. This provision would require the court to hear the views of the parties to the proceedings and the views of the person participating by live link before giving a direction. The court would also have to consider any guidance issued by the Lady Chief Justice (updated in October 2025).¹ Where the court determination is to refuse an application for a direction, then the court would be required to state openly its reasons for doing so.
- The legislation would provide a power at clause 21E for the Department to make secondary legislation that could specify matters a court should have regard to in determining the use of live links. It would also provide a limited statutory presumption in clause 21F for virtual attendance where the only party to the hearing is a public official whether in criminal or civil courts.
- The use of 'special measures' for witnesses or vulnerable defendants, which include video links, will continue to be maintained separately for those who satisfy the statutory requirements set out in existing legislation.

¹ Judiciary NI, [Guidance on Physical \(In-Person\), Remote and Hybrid Attendance](#) (October 2025)

- In England and Wales, the Police, Crime, Sentencing and Courts Act 2022 replaced the temporary provisions in the Coronavirus Act 2020 relating to live video and audio court hearings. The Scottish Government employed a longer extension of the temporary justice system measures introduced for the courts during COVID-19; the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill will enable virtual attendance in certain criminal cases and had its third and final reading in October 2025. In the Republic of Ireland, the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 reformed the use of remote technology in civil and criminal matters.
- A number of research studies have considered the impact of remote court proceedings on participants since COVID-19 with some raising concerns around the impact on participation for vulnerable lay people and access to suitable technology. Others have recognised the efficiency benefits of remote hearings for routine matters.

MLAs may wish to consider:

- Whether the Department will regularly publish data on remote hearings to allow for thorough monitoring and evaluation of their impact.
- Whether any further funding will be required for investment in technology upgrades across the court estate and any guidance or training required for staff working across criminal justice agencies.
- Whether any further work is required to investigate the impact of digital disadvantage in this area, including any barriers to access for vulnerable people and data protection implications.

Contents

Key Points	2
1 Context	5
1.1 Coronavirus Act 2020	5
1.2 Use of Live Links across Courts	6
1.3 Vision 2030	8
1.4 Public Consultation and Engagement	9
2 Justice Bill	14
2.1 Part 3 of the Justice Bill	14
2.2 Live Links Amendments	15
2.3 Stakeholder Reaction	21
3 Other Jurisdictions	23
3.1 England and Wales	23
3.2 Scotland	26
3.3 Republic of Ireland	27
4 Scrutiny Points	28

1 Context

1.1 Coronavirus Act 2020

Provisions contained in Section 57 and Schedule 27 of the Coronavirus Act 2020 (the 2020 Act) currently enable Courts or Tribunals in Northern Ireland to allow any hearing to proceed by way of live links if it is satisfied that it is in the “interests of justice” to do so. These provisions were initially due to expire on 25 March 2022 under section 89(1) of the 2020 Act. However, the 2020 Act also permits the devolved administrations to make secondary legislation to extend any provisions which are within the legislative competence of the Assembly and do not require the consent of the relevant Secretary of State.

Section 90(2) of the 2020 Act permits the Department of Justice to make statutory rules extending these provisions for six months at a time. The Department has laid these statutory rules using the confirmatory resolution procedure. Under this procedure, a statutory rule is made by the Department and laid before the Assembly but it ceases to have effect within a specified period of time unless approved by a resolution of the Assembly. In this case, the statutory rule must be approved by resolution of the Assembly within the period specified in section 96(7) of the 2020 Act which is 40 days.

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) which extended the provisions until 24 September 2022. There have since been seven sequential statutory rules made by the Department of Justice under Section 90. The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No.2) Order (Northern Ireland) 2025 (SR 2025 No.151) was made on 22 September 2025 and approved by the Assembly on 04 November 2025.²

The Covid-19 pandemic had a significant impact on the courts and tribunals in Northern Ireland with backlogs across the system. Live links became a tool for facilitating the management of court time, aiming to balance the Article 6 right to

² Northern Ireland Assembly, Official Report 04 November 2025, [Volume 183, No 4](#)

a fair trial with the protection of public health. The most recent court practice guidance was published by the Lady Chief Justice's Office in October 2025 which highlights that legal representatives, participants in proceedings and members of the public should attend court in person unless a judge has decided they can attend remotely applying the interests of justice test in that individual case.³

This guidance provides a number of examples of matters suitable for remote attendance, including short or uncontroversial procedural business, such as mentions, reviews, directions, interlocutory applications and case management hearings as well as the attendance of defendants and Police Officers at first appearances and bail applications (High Court and Magistrates' Courts). Cases where evidence may be given effectively from an appropriate Remote Evidence Centre are also included.

Figures produced by the Department of Justice indicate that in 2024-25, the average (median) time taken to complete a case (from report to the Police through to disposal) across all criminal cases in the Crown and Magistrates' Courts was 189 days.⁴ This is a 26.8 per cent increase from the 149 days prior to the Covid-19 pandemic in 2019-2020.⁵ The average (median) was 190 days in 2023-2024, followed by 206 days in 2022-2023, 226 days in 2021-2022 and 193 days during the first year of the Covid-19 pandemic in 2020-21.

1.2 Use of Live Links across Courts

Prior to the Covid-19 pandemic, the use of live links in courts and tribunals was not widespread. Examples include reviews of persons detained in police custody under Article 46A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI). Special measures provided for under the Criminal Evidence (Northern Ireland) Order 1999 (the 1999 Order) also make

³ Judiciary NI, [Guidance on Physical \(In-Person\), Remote and Hybrid Attendance](#) (October 2025)

⁴ Department of Justice, [Case processing time for criminal cases dealt with at courts in Northern Ireland 24/25](#) (August 2025)

⁵ Department of Justice, [Case processing time for criminal cases dealt with at courts in Northern Ireland 19/20](#) (September 2020)

provision for the use of live links, screens, video recorded evidence and other measures to be taken by the courts in specified circumstances to hear the evidence of young, vulnerable and intimidated witnesses. Part 2A of the 1999 Order was inserted by the Criminal Justice (Northern Ireland) Order 2008 to expand the use of live links to include hearing evidence from vulnerable accused persons in certain circumstances.

In addition, live links have been used for experts and witnesses based outside the United Kingdom to give evidence provided for under Article 80A of PACE NI. Part 7 of the Justice Act (Northern Ireland) Order 2015 also extended the range of matters that can be dealt with by live links, including committal proceedings in the Magistrates' Court, proceedings relating to a person held in custody who fails to comply with a specified court order or license conditions and certain proceedings involving patients detained in hospital under the Mental Health (Northern Ireland) Order 1986.

Court rules and practice directions in relation to the use of live links have typically governed proceedings in civil courts and tribunals. For example, the Family Proceedings Rules (Northern Ireland 1996) were amended in 2007 to allow for a witness to give evidence through a video link or by any other method of direct communication for family proceedings in the High Court and county courts. The Magistrates' Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996 and Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1996 were also amended in 2007 to replicate this provision for family proceedings in the Magistrates' Court.

Another example can be found in the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020 which govern the framework and operation of the Industrial Tribunals and Fair Employment Tribunal. Rule 40 deals with electronic communication and states that *"a hearing may be conducted, in whole or in part, by use of electronic communication (including by telephone) provided that the tribunal considers that it would be just and equitable to do so and provided that the parties and members of the public attending the hearing are able to hear what the tribunal hears and see any witness as seen by the tribunal"*.

In 2017, Sir John Gillen's Review of Civil Justice detailed the massive shift in how people access and share information in a digital age with courts being cautious in adapting the way in which they transmit information and manage communications with the public.⁶ A range of recommendations were made, including the need for a commitment to paperless courts and greater digitalisation as well as a pilot for online dispute resolution as an alternative to court in certain types of low-value money damages cases of under £5,000.

In 2019, Sir John Gillen's Review into Serious Sexual Offences in Northern Ireland also included recommendations relating to the wider use of technology across the courts. This focused on the introduction of pre-recorded cross-examination and the establishment of Remote Evidence Centres (RECs) in serious sexual offence cases.⁷ RECs are now operational in Derry-Londonderry, Belfast and Craigavon with plans for a full evaluation and further roll-out across Northern Ireland. Plans and arrangements for a pre-recorded cross examination pilot are still in development and will be subject to resolving a number of outstanding issues, including securing funding.⁸

1.3 Vision 2030

The Programme for Government identifies plans to have progressed a Speeding up Justice programme by the end of the Assembly mandate in 2027. This will be "*underpinned by investment in digital capabilities*" which will aim to support "*digital transformation across Criminal Justice Organisations including the PSNI, the NI Courts and Tribunals Service and Public Prosecution Service (PPS), driving efficiencies through enhanced electronic communication between those organisations, and improving citizen interfaces*".⁹ In October 2025, the

⁶ Judiciary NI, [Review of Civil and Family Justice in Northern Ireland: Review Group's Report on Civil Justice](#) (September 2017), chapter 8, page 99

⁷ Department of Justice, [Gillen Review: Report into the Law and Procedures in Serious Sexual Offences in Northern Ireland](#) (May 2019)

⁸ Department of Justice, [Implementation of the Gillen Review into Serious Sexual Offences Progress Update](#) (September 2025)

⁹ NI Executive, [Programme for Government 2024-2027 'Our Plan: Doing What Matters Most'](#) (March 2025), page 48

Minister highlighted in the Assembly Chamber that the Department of Justice intends to publish a new Digital Justice Strategy in the coming months.¹⁰

The Department of Justice aims to provide for the longer-term use of live links through the Justice Bill as part of wider moves towards increased digitalisation across the Northern Ireland Courts and Tribunals Service (NICTS). In 2021, the Justice Minister, Lord Chief Justice's Office and the NICTS launched a joint vision statement setting out plans to modernise the Courts and Tribunals in Northern Ireland. This highlighted the need for modern technology to help increase effectiveness and streamline processes with plans for *“moving from cases mainly being heard in a physical environment to hybrid and virtual environments, enabled by digital solutions and new ways of working”*.¹¹

The NICTS modernisation programme is now known as Vision 2030 with the NICTS publishing a Digital Strategy in January 2022 which runs until 2026.¹² In 2024, the NICTS launched the Themis Programme which will establish a *“digital first, paper-light environment that will speed up case progression and improve access to justice services”*. This will include a web portal that will enable legal professionals, members of the public, Departments and other justice partners to access services online.¹³

1.4 Public Consultation and Engagement

No public consultation was conducted in advance of the Coronavirus Act 2020 as this was legislation brought in at Westminster to address challenges associated with the Covid-19 pandemic.

¹⁰ Northern Ireland Assembly, Official Report 06 October 2025, [Volume 182, No 1](#)

¹¹ Department of Justice, [Modernising the Courts and Tribunals in Northern Ireland](#) (March 2021)

¹² Department of Justice, [Digital Strategy 2021-2026](#) (January 2022). The Judiciary also published a [Judicial Modernisation Paper](#) in September 2021 designed to help inform the NICTS Digital Strategy and Vision 2030. This work also builds on the [recommendations](#) made by Sir John Gillen as part of his Review of Civil and Family Justice in Northern Ireland.

¹³ Department of Justice, [New Themis Programme will transform court and tribunal services for all – Long](#) (September 2024)

In July 2022, a public consultation was launched by the Department of Justice into the wider use of live links by courts and tribunals in Northern Ireland.¹⁴ In March 2023, a report summarising the responses was published. This highlighted that 38 responses were received with a majority (34 respondents) expressing support for the continuation of the wider use of live links; 34 respondents also favoured the judiciary being able to continue to determine whether the use of live links was in the interests of justice for any particular case or participant.¹⁵

Respondents were also asked to consider whether the statutory test should also include that the court be satisfied that the use of live links is “not prejudicial or contrary to the fairness of proceedings”. 21 respondents expressed a view that the statutory test of ‘interests of justice’ should be accompanied by this additional requirement with 10 indicating that it was not necessary.¹⁶

The Department stated in the consultation that it was not convinced of the need to include a reference to ‘fairness’ in the statutory test. The rationale for this related to obligations under the Human Rights Act 1998 and fairness forming an inherent element in considering ‘the interests of justice’ test.¹⁷ In addition, guidance from the Lady Chief Justice’s Office issued during this period referenced a number of the factors respondents wished to see specified in primary legislation. The current guidance (October 2025) provides direction as to the type of hearing or matters which may make a specific case or witness more suitable for that evidence or issue to be determined in person or remotely.¹⁸

The Department highlighted in the consultation that it did not intend to immediately legislate to specify factors or matters a court should have regard to

¹⁴ Department of Justice, [Audio and Video Links for Northern Ireland Court and Tribunal Hearings](#) (July 2022)

¹⁵ Department of Justice, [Audio and Video Links \(Live Links\) for Northern Ireland Court and Tribunal Hearings: Summary of Consultation Responses](#) (March 2023), page 6

¹⁶ Ibid, page 9

¹⁷ Department of Justice, [Audio and Video Links for Northern Ireland Court and Tribunal Hearings](#) (July 2022), page 41

¹⁸ Judiciary NI, [Guidance on Physical \(In-Person\), Remote and Hybrid Attendance](#) (October 2025)

or take account of in determining whether the use of live links was in the 'interests of justice'. It was noted that setting out multiple factors in legislation could reduce judicial flexibility to determine how participants attend depending on the circumstances of that case and the needs of those participants.

Instead, it was proposed that any legislation would provide the Department with the power to do this at a future point in regulations (clause 21E(4)(b) provides for this in the Justice Bill amendments using the draft affirmative resolution procedure). 19 respondents agreed with the Department's approach with 11 stating that they did not agree and that these factors should be contained in the primary legislation.¹⁹ Furthermore, 27 respondents to the consultation agreed that legislation should include an obligation that a court or tribunal should have regard to any guidance issued by the Lady Chief Justice (2 disagreed).²⁰

25 respondents also agreed with the Department's proposal that all members of juries should continue to be required to attend court in person (1 disagreed). This emphasised that any such change would require a wider review of jury arrangements in Northern Ireland.²¹

The consultation also posed the question that there should be no exclusion of the use of live links for appeal hearings (criminal or civil) which 28 respondents agreed with (3 disagreed). The Department highlighted that many appeals often concern legal argument that there has been an error on a specific point of law in regard to the decision of the lower court.²² 27 respondents also felt that all courts should be able to determine complex matters of law via live links, subject to judicial discretion (4 disagreed).²³

The Department's consultation sought views on the potential for the introduction of a default statutory presumption to rule out a virtual hearing for oral evidence

¹⁹ Department of Justice, [Audio and Video Links \(Live Links\) for Northern Ireland Court and Tribunal Hearings: Summary of Consultation Responses](#) (March 2023), page 12

²⁰ Ibid, page 15

²¹ Ibid, page 17

²² Department of Justice, [Audio and Video Links for Northern Ireland Court and Tribunal Hearings](#) (July 2022), page 47

²³ Department of Justice, [Audio and Video Links \(Live Links\) for Northern Ireland Court and Tribunal Hearings: Summary of Consultation Responses](#) (March 2023), page 19

during a final or contested hearing. However, the Department also highlighted its view that the judiciary are best placed to determine requirements around this on a case by case basis.²⁴ 18 respondents agreed that there should be a default statutory presumption and 13 disagreed with this. Those who agreed highlighted concerns around potential technological issues and the importance of body language in assessing witness evidence.²⁵ Victim representative groups were opposed to the proposed statutory presumption, highlighting their opposition to any weakening of existing 'special measures'. They also favoured increasing the use of Remote Evidence Centres for young and vulnerable witnesses to give evidence.²⁶

In September 2024, the Department confirmed the Minister's view that there should be no statutory assumption against the use of live links for a final contested hearing. This also highlighted that the introduction of a statutory obligation upon the judiciary to have due regard to the Lady Chief Justice's guidance and to provide reasons for refusals for the use of live links should assist in improving transparency and consistency in judicial decisions on these applications. In addition, a limited statutory presumption will be introduced for virtual attendance where the only party to the hearing is a public official whether in criminal or civil courts.²⁷

As part of the consultation process, the Department also undertook an equality screening process. Section 75 of the Northern Ireland Act 1998 requires the Department to have due regard to the need to promote equality of opportunity and to identify whether a policy has a differential impact upon the relevant groups. As part of this screening exercise, the Department highlighted that it did not believe that any specific issues would arise in relation to: religious belief, political opinion, racial group, age, marital status, sexual orientation, men and

²⁴ Department of Justice, [Audio and Video Links for Northern Ireland Court and Tribunal Hearings](#) (July 2022), page 61

²⁵ Department of Justice, [Audio and Video Links \(Live Links\) for Northern Ireland Court and Tribunal Hearings: Summary of Consultation Responses](#) (March 2023), page 22

²⁶ Ibid, page 25

²⁷ Department of Justice, [Audio and Video Links \(Live Links\) for Northern Ireland Court and Tribunal Hearings: Way Forward](#) (September 2024), page 18

women generally, or those with or without a disability or dependents.

Furthermore, the Department determined that an Equality Impact Assessment was not required.²⁸ A Rural Needs Assessment also determined that no specific design features were required to address rural issues.²⁹

In September 2024, an updated equality screening was conducted in relation to the Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No.2) Order (Northern Ireland) 2024.³⁰ No adverse impact was identified or reported on a Section 75 group with recognition that a number of mitigations are in place, including that the judiciary must be satisfied that the use of live links is in the 'interests of justice'.

The Department has also undertaken two engagement exercises with the main users of live links. In July 2023, respondents were asked to indicate their views on the continued use of the power provided within the Coronavirus Act 2020 to extend the expiry date of the Act's provisions on live links. 41 respondents stated that they considered the provisions for remote hearings should continue to be extended beyond September 2023. One respondent said that they were not in favour of any further extension of the live link provisions.³¹

A number of comments highlighted the benefits of live links for victims engaged in court proceedings with professionals reporting improved time management and flexibility as it reduced the amount of time waiting at court venues.³² Another engagement exercise was previously conducted in November 2021 ahead of further extending the Coronavirus Act 2020 via secondary legislation. Similar feedback was received with 22 of the 25 responses highlighting a

²⁸ Department of Justice, [Equality Screening Form: Audio and Video links \(Live Links\) for Northern Ireland Court and Tribunal Hearings](#) (July 2022)

²⁹ Department of Justice, [Rural Needs Assessment: Audio and Video links \(Live Links\) for Northern Ireland Court and Tribunal Hearings](#) (July 2022)

³⁰ Department of Justice, [Equality Screening Form: Extension of Audio and Video links \(Live Links\) provisions within the Coronavirus Act 2020 SR 2024 No.173](#) (September 2024), page 7

³¹ Department of Justice, [Report on extending the use of live links in courts and tribunals in Northern Ireland](#) (November 2023), page 7

³² Ibid, page 9

preference for the provisions for remote hearings to be extended.³³ A small number referenced technical or connectivity issues in some hearings.³⁴

Finally, it is worth noting that the Northern Ireland Statistics and Research Agency (NISRA) conducted a review of remote hearings in 2022, commissioned by the Northern Ireland Courts and Tribunals Service (NICTS). This involved feedback from 5 discussion groups and 7 interviews from key stakeholders with a total of 28 participants. This report highlighted that these participants had generally had a positive experience in conducting business using remote technology. Feedback varied depending on the area of law with a suggestion that criminal cases of a more serious nature tended to work better in a face to face environment. In addition, the report 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. However, there was also an acknowledgement that some vulnerable people may struggle with the use of technology.³⁵

2 Justice Bill

2.1 Part 3 of the Justice Bill

Part 3 of the Justice Bill would introduce provisions enabling “live links” technology to be used for a number of custody-related functions by Police. Clause 20 would amend Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) to enable live link interviews so that a Police Officer can interview a person from a different location as part of the investigation of an offence. This provides for the transfer of a person from a Custody Officer to another Police Officer for the purpose of the live link interview with that Police Officer assuming responsibility for ensuring the person's treatment in accordance with PACE NI.

³³ Department of Justice, [Report on the use of Live Links for Remote Hearings](#) (January 2022)

³⁴ Ibid

³⁵ Northern Ireland Statistics and Research Agency, [Northern Ireland Courts and Tribunals Service, Remote and Hybrid Hearings: A Qualitative Analysis](#) (September 2022)

In addition, clause 21 of the Justice Bill would amend Part 5 of PACE NI by inserting new Articles 46ZA and 46ZB. Article 46ZA would make provision for the use of live link by a Police Officer, exercising their duties under Article 43 of PACE NI, who is not present in the station to authorise the continued detention of a person. This can only be done if certain conditions are met, including that the arrested person has had advice from a solicitor on the use of the live link.

Article 46ZB would enable a Magistrates' Court to issue a live link direction for the purposes of the hearing of a complaint under Article 44 of PACE NI for a warrant authorising the further detention of a person. This could also relate to the hearing of a complaint under Article 45 for an extension of such a warrant. This also requires certain conditions to be met, including that the person to whom the complaint relates has received legal advice on the use of the live link and that the direction would not be contrary to the interests of justice.

Further information on Part 3 of the Justice Bill can be found in the Research and Information Service Bill Paper on the Justice Bill (NIAR 089-2024).³⁶

2.2 Live Links Amendments

In February 2025, the Department submitted further clauses to the Justice Committee dealing with the power of Courts and Tribunals to give directions on the use of live links, limited transmissions and the broadcast of proceedings.³⁷

The Department has informed the Committee in correspondence that the proposed legislation *“not only replaces the temporary provisions contained in the Coronavirus Act 2020, but also updates and consolidates the body of law that has evolved over the past 20 years in respect of remote hearings and the provision of evidence remotely”*.³⁸

A summary was also provided to the Justice Committee detailing the European Convention on Human Rights (ECHR) implications of the planned amendments

³⁶ Northern Ireland Assembly Research and Information Service, [Justice Bill Paper](#) (September 2024)

³⁷ Northern Ireland Assembly, [Justice Bill: Live Links Amendments](#) (February 2025)

³⁸ Department of Justice, [Live Links \(Courts and Tribunals\) Amendments: Appendix C](#) (January 2025)

to the Justice Bill. The Department states that it is “*satisfied that this Bill is not incompatible with any of the Convention rights*”.³⁹ This highlights that the new live link provisions engage Article 5 (right to liberty and security), Article 6 (right to a fair trial), Article 8 (right to respect for private and family life) and Article 10 (right to freedom of expression). The live link amendments would be inserted in the Justice Bill as new Clauses 21A to 21K alongside new Schedules 5 and 6.

2.2.1 Clause 21A

Clause 21A would provide for a court or tribunal to give a live link direction for any person’s participation in the proceedings. Clause 21A(3) would define ‘participation’ in proceedings as including: a party to the proceedings, a witness, a judge or other member of the court or tribunal, a legal representative acting in the proceedings, an interpreter or other person appointed by the court or tribunal to assist in the proceedings, the clerk to the court or tribunal or a representative of the press. Clause 21A(4) would specify that a live link direction may not be given for a person’s participation in proceedings as a member of a jury.

2.2.2 Clause 21B

Clause 21B would provide that, where a court or tribunal considers it appropriate to do so, in order to enable persons who are not taking part in the proceedings to see and hear (or to hear) those proceedings, the court or tribunal may make a limited transmission direction. This direction means that images and sounds (or sounds only) relating to the whole (or part) of the proceedings may be:

- transmitted to specified live-streaming premises (any premises which are suitable for the purpose of enabling members of the public to watch or listen to the proceedings); or
- broadcast by a transmission to which individuals are given access only having first identified themselves to the court.

³⁹ Department of Justice, [Justice Bill: Human Rights/Legislative Competence in relation to Departmental Amendments](#) (March 2025)

Under clause 21B(4), any direction by the court may make further provision about the persons who are to be able to watch or listen to the transmission. This would allow for the transmission to be subject to conditions or aimed at preventing persons whom the court or tribunal intends should not watch or listen from being able to do so.

2.2.3 Clause 21C

Clause 21C would make provision for a ‘broadcast direction’ which enables the public to see and hear proceedings. A court or tribunal may give this direction where proceedings before the court or tribunal are to be conducted wholly as video proceedings (or audio proceedings) and the court or tribunal considers that the giving of the direction is necessary to ensure that there is a public hearing. Clauses 21E and 21G provide further details in relation to giving, varying or rescinding broadcast directions.

2.2.4 Clause 21D

Clause 21D would make provision where a court is sitting with a jury and a person gives evidence in accordance with a live link direction. This would allow for the judge or coroner to give the jury such direction as they feel is necessary in order to ensure that the jury gives the same weight to the evidence as if it had been given in person.

Clause 21D(3) would cover a potential scenario in which a person held in custody and detained in hospital is participating in proceedings before a court in accordance with a live link direction. During the hearing:

- it falls to the court to determine whether the person should continue to be held in custody or detained in hospital;⁴⁰
- it appears to the court that the person is not able to see and hear the court or that the person cannot be seen and heard by the court; and

⁴⁰ Note that clause 21D(6)(a) would provide that custody means a prison, a young offenders centre, a juvenile justice centre or other institution. Meanwhile clause 21D(6)(b) would mean that references to a person being detained in hospital are references to being detained under Part 2 or Part 10 of the Mental Capacity Act (Northern Ireland) 2016.

- it appears to the court that this cannot be immediately corrected.

Clause 21D(4) would provide that the court can proceed with the hearing if it is satisfied that it is not reasonably practicable to bring the person to court before they cease to be held in custody or detained in hospital. However, if the court proceeds then it may not remand the person in custody (or order that the person be detained in hospital) for a period of over 8 days commencing on the day following the remand (or order for detention). In any other case, the court must adjourn the hearing.

2.2.5 Clause 21E

Clause 21E would cover a number of matters in further detail to be considered by a court or tribunal when making a live link direction for the participation of a person, a limited transmission direction or a broadcast direction; this includes the 'interests of justice' test. Clause 21E(2) states that a court or tribunal may make such direction of its own motion, on the application of a party to the proceedings or on the application of the person participating by live link (in the case of a live link direction).

This amendment would also require a court, before giving a direction, to hear the views of the parties to the proceedings and the views of the person participating by live link (in the case of a live link direction). This would also require a court to have regard to all the circumstances of a case, including particular reference to:

- Any guidance issued by the Lady Chief Justice (or the Presiding Coroner);⁴¹
- Any matters set out for this purpose in regulations made by the Department of Justice. The DOJ may not make regulations under clause 21E(4)(b) unless a draft of these has been laid before, and approved by a resolution of, the Assembly (draft affirmative procedure). MLAs may wish to seek further detail in relation to the sort of matters that it is

⁴¹ Latest guidance can be found at Judiciary NI, [Guidance on Physical \(In-Person\), Remote and Hybrid Attendance](#) (October 2025)

envisaged may be set out for this purpose in regulations made by the DOJ.⁴²

Clause 21E(5) would provide that a court or tribunal must not give a direction for the use of live links, limited transmissions or the broadcast of proceedings unless it is satisfied that it is in the ‘interests of justice’ to do so. The court or tribunal would also be able to direct that a recording of the proceedings (or of any transmission or broadcast of the proceedings) can be made for the purpose of keeping a record of these under clause 21E(6). Finally, clause 21E(7) would provide that where the determination is to refuse an application for a direction, then the court or tribunal must state openly its reasons for doing so.

2.2.6 Clause 21F

This clause would provide that a court or tribunal must give a live link direction, unless it is satisfied that it would be contrary to the interests of justice to do so, where:

- the participant is a public authority⁴³, or an officer or representative acting on behalf of a public authority and the proceedings are single-participant proceedings;⁴⁴ or
- the participant is an expert witness of a specified class or description.

The Department can amend the list of public authorities and specify classes or descriptions of expert witnesses by way of regulations. The Department may not make these regulations unless a draft has been laid before, and approved by a resolution of, the Assembly (draft affirmative procedure).

⁴² Department of Justice, [Justice Bill: Delegated Powers for Departmental Amendments](#) (June 2025) states that the “*Department wishes to maintain a level of flexibility in the hope that it will allow the law created by these provisions to remain relevant as technology or court practice and procedure evolves and this regulation making power was sought to allow specific matters to be prescribed by regulations which the judiciary could be required to consider and weigh in determining the interests of justice*”.

⁴³ Listed in Schedule 5 and include a Northern Ireland Department, Northern Ireland Minister, a District Council, the Police Service of Northern Ireland, the Director of Public Prosecutions, the Police Ombudsman for Northern Ireland etc.

⁴⁴ Proceedings in which there are no respondents or proceedings where an application is made without notice to the respondent. The Department has [stated](#) that this would cover ex parte applications for items such as a search warrant.

2.2.7 Clause 21G

This clause would provide that a court or tribunal may vary or rescind a direction if it appears to be in the ‘interests of justice’ to do so. Before doing this, the court or tribunal must consider:

- the views of the parties to the proceedings; and
- the views of the person participating by live link in the case of a live link direction.

Where a court or tribunal varies or rescinds a direction, or refuses an application to do so, then it must openly state its reasons for doing so.

2.2.8 Clause 21H

Clause 21H would create a number of offences relating to the potential misuse of live links. These would prevent the unauthorised recording or transmission of images or sounds through a live link. Furthermore, it would not matter whether the person making a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person. A defence is provided under clause 21H(5) where a person charged with an offence can prove that, at the time of the recording or transmission, the person did not know, and could not reasonably have known that the image or sound was being transmitted through a live link. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).⁴⁵

2.2.9 Clause 21I

This amendment would establish similar offences to those contained in clause 21H in relation to limited transmission or broadcasting.

⁴⁵ The Department has also [stated](#) that those attending remotely will be subject to the same requirements that their evidence be truthful or be held to account for perjury as would occur had they been present in the courtroom.

2.2.10 Clause 21J

Clause 21J would define ‘live video link’ and ‘live audio link’ for the purposes of the legislation. This highlights that these arrangements must enable the person giving evidence (P) “to see and hear all other persons participating in the proceedings who were not in the same location” and allow those persons “who are taking part in the proceedings but are not in the same location as P, or who are attending the proceedings, to see and hear P”. This is accompanied by a caveat addressing those who are unable to hear and see by reason of impairment of hearing or eyesight.

2.2.11 Clause 21K

Clause 21K would make provision for other relevant definitions. This would define the meaning of Court as the Court of Appeal, the High Court, the Crown Court, a County Court, a Magistrates’ Court and a Coroner holding an inquest. In addition, this clause notes that the meaning statutory tribunal would not include an industrial tribunal or the Fair Employment Tribunal. Definitions of recording and transmission are also included.

2.2.12 Clause 21L

Clause 21L contains consequential amendments and transitional provisions. Schedule 5 lists the public authorities used for the purposes of clause 21F. Schedule 6 contains consequential amendments and repeals.

2.3 Stakeholder Reaction

The Justice Committee’s Call for Evidence on the Bill closed on 04 April 2025. A number of organisations commented on the provisions relating to live links amendments. The Lady Chief Justice’s office provided commentary from the judiciary that “*while there any many benefits to the greater deployment of remote court hearings, the use must be tempered with the appropriate*

application of the interests of justice... the legislative amendment reflects that".⁴⁶

The Northern Ireland Human Rights Commission (NIHRC) commented on the live link provisions contained in the Justice Bill. These highlight that the adoption of new technology should not "*inadvertently hinder access to justice for individuals with specific needs, including children, persons with disabilities and unrepresented litigants and/or individuals for whom English is not their first language*".⁴⁷ This also notes the relevance of Windsor Framework Article 2, the EU Victims' Directive and the EU Interpretation Directive in respect of persons suspected or accused, victims with disabilities and people who do not speak English as a first language.

The British Association of Social Workers Northern Ireland (BASW NI) highlighted the efficiency benefits associated with the use of live links. It also noted that there are advantages for vulnerable witnesses as live links can help through "*minimising the formality and unfamiliarity of the process*".⁴⁸ However, BASW NI stated the need for screening to identify all relevant physical and mental health information, including hidden disabilities and neurodiversity.

The Northern Ireland Commissioner for Children and Young People (NICCY) expressed reservations about the use of live links with children and young people, highlighting that accessible guidance and information must be made available to those impacted.⁴⁹ Children in Northern Ireland (CiNi) have also highlighted the need for specific analysis of the impact of live links on children and young people as there is a need for "*additional safeguards to ensure that all*

⁴⁶ Lady Chief Justice's Office, [Justice Bill](#) (April 2025)

⁴⁷ Northern Ireland Human Rights Commission, [Briefing to Committee for Justice on 'Justice Bill 07/22-27'](#) (November 2024), page 49

⁴⁸ British Association of Social Workers Northern Ireland, [Justice Bill Briefing to Justice Committee](#) (January 2025)

⁴⁹ Northern Ireland Commissioner for Children and Young People, [Advice to Government: Justice Bill Amendments](#) (June 2025)

children have the right support and capacity to participate fully” in any criminal case.⁵⁰

The Commissioner Designate for Victims of Crime has expressed support for *“moves to make it easier for victims and witnesses of crime to attend court virtually, where they choose to do so”*.⁵¹ Victim Support Northern Ireland also highlighted that *“more flexibility in the day-to-day administration of justice has the potential to improve victim experience, assist victims to give their best evidence and make for a more efficient justice system”*.⁵²

The Law Society of Northern Ireland welcomed the amendments to the Justice Bill, stating that they provide *“major efficiencies”* for solicitors and court users. The Society also highlighted that certain cases are better suited to being heard remotely (e.g. administrative proceedings, remands in criminal courts and case management hearings in civil courts) than others which should continue to be heard in-person (e.g. fully contested hearings).⁵³

3 Other Jurisdictions

3.1 England and Wales

Sections 198 to 202 of the Police, Crime, Sentencing and Courts Act 2022 replaced the temporary provisions in the Coronavirus Act 2020 relating to live video and audio court hearings in criminal courts in England and Wales. This legislation also allows for the broadcast and recording of video and audio proceedings in courts and tribunals, including civil courts. This saw new permanent and expanded provisions added to the Courts Act 2003 and the Criminal Justice Act 2003.

⁵⁰ Children in Northern Ireland, [Evidence submitted to the Committee for Justice on the Justice Bill](#) (April 2025), page 5

⁵¹ Commissioner Designate for Victims of Crime, [Proposed Amendments to the Justice Bill](#) (March 2025)

⁵² Victim Support Northern Ireland, [Response to Justice Bill Call for Views](#) (April 2025)

⁵³ Law Society of Northern Ireland, [Committee for Justice Consultation: The Justice Bill](#) (March 2025), page 16

Section 200 of the 2022 Act allows for a live link direction in criminal proceedings when the court is satisfied it is in the 'interests of justice' and if the parties have 'been given the opportunity to make representations'. This also sets out that the court must consider any guidance given by the Lord Chief Justice and the circumstances of the case when determining whether the use of live links is 'in the interests of justice'. This includes the availability of the person to whom the direction would relate, any need for that person to attend in person, the views of that person, the suitability of the facilities and whether that person would be able to take part in the proceedings effectively if they took part in accordance with the direction.⁵⁴ A single extension of the 2020 Act provisions occurred in March 2022 to cover the limited period until the Police, Crime, Sentencing and Courts Act 2022 provisions were commenced.

The Home Office highlighted that these provisions would mean greater efficiency, flexibility and accessibility with fewer delays.⁵⁵ However, a number of other stakeholders, such as the House of Commons Justice Committee and some legal charities, raised concerns at the time about the ability of vulnerable lay people to engage with remote justice and to consult their legal representatives in confidence.⁵⁶

A number of research studies have considered the impact of remote court proceedings on participants. Examples include the Civil Justice Council's rapid review looking at the impact of COVID-19 on the operation of the civil justice system.⁵⁷ This highlighted that the impact was different across court users, with professionals able to adapt more easily than lay parties for whom participation was problematic at times.

In May 2020, the Nuffield Foundation's Family Justice Observatory conducted a rapid consultation on the use of remote hearings in the family court which raised

⁵⁴ See section 200(6) of the Police, Crime, Sentencing and Courts Act 2022

⁵⁵ Home Office, [Audio and video live links: Police, Crime, Sentencing and Courts Act 2022 Factsheet](#) (August 2022)

⁵⁶ House of Commons Justice Committee, [Coronavirus \(COVID-19\): the impact on the legal professions in England and Wales](#) (July 2020), page 5

⁵⁷ Civil Justice Council, [The Impact of COVID-19 Measures on the Civil Justice System](#) (May 2020)

concerns around the fairness of remote hearings in certain circumstances, access to appropriate technology and the difficulty associated with ensuring the participation of all parties.⁵⁸ In 2021, a further rapid review highlighted that professionals typically saw a continuing role for certain types of remote hearing beyond COVID-19. However, this should be decided on a case by case basis depending on a number of considerations, such as the vulnerability of the lay parties, access to suitable technology and the complexity of the case.⁵⁹

Meanwhile research by Fair Trials on the impact of the COVID-19 pandemic across criminal justice systems in Europe suggested that remote hearings limited the ability of defendants to effectively participate in the proceedings and made it more difficult to review and challenge evidence.⁶⁰ In 2023, the Ministry of Justice published an evaluation of the impact of remote hearings in the Crown Court using data from January 2020 to March 2022 which found small reductions in hearing durations when remote hearings were used but no impact on the wider outcomes of justice.⁶¹

In 2024, the Bar Council of England and Wales published a report from the perspective of legal professionals which recognised the benefits of remote hearings for routine matters but called for greater consistency in their use, further investment in court technology and improved data collection.⁶² In May 2025, the HM Courts and Tribunals Service published its Remote Participation Approach, setting out principles for enabling remote attendance at hearings where appropriate.⁶³

⁵⁸ The Nuffield Family Justice Observatory, [Remote Hearings in the Family Justice System: A Rapid Consultation](#) (May 2020)

⁵⁹ The Nuffield Family Justice Observatory, [Remote Hearings in the Family Court Post-Pandemic](#) (July 2021)

⁶⁰ Fair Trials, [Justice under Lockdown in Europe: A survey on the impact of COVID-19 on defence rights in Europe](#) (November 2020)

⁶¹ Ministry of Justice, [The impact of remote hearings on the Crown Court: An evaluation of remote hearings' impact on the duration and outcomes of hearings and trial cases in the Crown Court](#) (March 2023)

⁶² The Bar Council of England and Wales, [A Lens on Justice: The Move to Remote Justice 2020-2024](#) (May 2024)

⁶³ HM Courts and Tribunals Service, [Guidance: HMCTS Remote Participation Approach](#) (May 2025)

3.2 Scotland

The Scottish Government employed a longer extension of the temporary justice system measures introduced for the courts during the COVID-19 pandemic and retained those measures to deal with backlogs within the justice system. Those temporary measures, including equivalent live link provisions for remote hearings, were provided initially by the Coronavirus (Extension and Expiry) (Scotland) Act 2021 which was followed by the Coronavirus (Recovery and Reform) (Scotland) Act 2022. This removes requirements for people to physically attend court or tribunal hearings (but this does not apply to hearings at which someone is to give evidence unless the court specifically directs a person to attend virtually). The court can also order an in-person hearing if it considers that allowing a person to attend by electronic means would “*prejudice the fairness of the proceedings, or otherwise be contrary to the interests of justice*”.

The court must also give all parties the opportunity to make representations and have regard to any guidance issued by the Lord Justice General. More recently a Scottish Statutory Instrument, The Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Extension of Temporary Justice Measures) Regulations 2024 No. 322, extended the temporary justice measures until the 30 November 2025.

A public consultation ran from November 2023 until February 2024 on making permanent the temporary justice measures contained in the Coronavirus (Recovery and Reform) (Scotland) Act 2022, including enabling virtual attendance at a criminal court. The consultation report highlighted that most respondents agreed that virtual attendance for criminal courts should be made permanent (22 out of 30).⁶⁴ Efficiency benefits were noted as well as a view that virtual attendance can be positive for vulnerable individuals and those who may find in-person attendance frightening or traumatising.⁶⁵

⁶⁴ Scottish Government, [Scottish Government Consultation on Permanence of Coronavirus Recovery and Reform Act Measures: Analysis of Responses](#) (July 2024)

⁶⁵ Ibid, page 8

However, a small number suggested that virtual attendance cannot replace in-person communication. Experience was cited of digital platforms creating barriers to participation or diminishing the significance of proceedings for some, particularly vulnerable individuals with complex needs and those facing language barriers. Respondents also suggested that quality and reliability issues around digital technologies can impact proceedings and digital poverty was also noted as a risk factor.⁶⁶

Following this consultation, the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill was introduced into the Scottish Parliament in September 2024. Section 2 of the Bill amends the Criminal Procedure (Scotland) Act 1995 to remove the requirement for people to physically attend court and permit virtual attendance in certain criminal proceedings. In situations where someone is to give evidence, the general default requirement would be for in-person attendance at court. However, courts would have the power to allow virtual attendance in individual cases. Courts would be able to exercise this power where satisfied that virtual attendance would not be contrary to the interests of justice. The Bill had its third and final reading on 07 October 2025.

3.3 Republic of Ireland

The Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 reformed certain legislative provisions to facilitate the use of remote technology in civil and criminal matters.⁶⁷ The legislation provides that the court may specify the electronic communication technology by which the proceedings are to be conducted. Part 3, Section 11 of the 2020 Act relates to the remote hearing of civil proceedings under which a court may of its own motion, or on the application of any of the parties, direct that any type of civil proceedings be heard by remote hearing. However, if proceeding with the matter by remote hearing is deemed unfair to the parties or contrary to the interests of justice,

⁶⁶ Ibid, page 9

⁶⁷ Oireachtas Library and Research Service, [L&RS Note: Remote Court Hearings](#) (July 2020)

then the court may of its own motion or on application by any of the parties revoke the direction to participate in a remote hearing.

Part 4, Section 23 of the legislation broadens the circumstances in which video links may be used in criminal proceedings. This includes various types of applications (e.g. bail, free legal aid, sentencing) to the court by or on behalf of the Director of Public Prosecutions or the defendant who must be legally represented, have obtained legal advice or had the opportunity to do so. The legislation also gives the judiciary a power to issue a general direction specifying types of cases assumed suitable for the use of live links but this still requires the court to consider that their use, in a particular case, is not contrary to the interests of justice.

The legislation includes a list of matters that the court should have regard to in determining the appropriateness of live links. This includes the nature of the application, the complexity of the hearing, the age of the person and his or her mental capacity.⁶⁸ In addition, the court must also be satisfied that the defendant is able to communicate with their legal representative in confidence during the hearing. Furthermore, it is an offence to interfere with or obstruct the electronic communications employed in the proceedings or to make any recording of the proceedings without the permission of the court.

4 Scrutiny Points

- Does any guidance and training still need to be provided to staff working across justice agencies in relation to the use of live links? Have any recent reviews taken place in relation to the safeguards in place to ensure live link technology is accessible and used appropriately?
- Will any further research or monitoring be commissioned to identify individuals for whom live link technology is not suitable? Will the Department commission any further work to investigate the impact of digital

⁶⁸ See Part 4 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 on Criminal Procedure

disadvantage on remote hearings, including lack of skills, internet connection or hardware?

- Are there any data protection implications in relation to this live link technology? Will guidance be provided to individuals to help them understand how their information is being used where live links are deployed? If a recording of a live link takes place, will individuals captured in it be able make a request to access the footage?
- What type of matters is it envisaged that the court should have regard to when determining the use of live links under the regulation making power contained in clause 21E(4)(b)?
- How often will the Department review the operation of remote hearings once this legislation is in operation? Will the Department regularly publish data on remote hearings to allow for thorough monitoring and evaluation of their impact? Can information exploring the variations in the use of remote hearings be provided in terms of types of hearings or cases (including for example, length and complexity across different courts) to help build a fuller picture of factors that may affect suitability for remote hearings?
- Will the Department's upcoming digital justice strategy provide any further funding for investment in technology across the court estate?