

# APPLICATION FOR A LIVE LINK DIRECTION

(NOT AS A SPECIAL MEASURES DIRECTION)

*(Criminal Procedure Rules, r. 3.36)*

This form is NOT for use where the applicant wants a special measures direction for a young or vulnerable witness under Criminal Procedure Rules 18.4 and 18.10.

If the court makes a live link direction at a trial preparation or other hearing you may not need to complete this form. The court will still need to have the information that this form collects.

## Case details

Name of defendant(s): .....

Court: .....

Case reference number: .....

Name of applicant: .....

**Do you want this application to be dealt with at a hearing?**

Yes  No

If yes, explain why:

## How to use this form

1. Give the information required above and collected in the boxes below. 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 form to the court, including the confidential annexe at the end of the form if you use it.
4. Send a copy of the form **without** the confidential annexe to each other party to the case.

The confidential annexe at the end of the form can be used for the address from which the person to use a live link will take part if the court gives a live link direction. The annexe may contain other confidential information as well. **Do NOT send the confidential annexe to anyone except the court unless the court tells you to do so.**

You must make this application as soon as reasonably practicable. If you do not, the court may refuse to give a live link direction.

Under Criminal Procedure Rule 3.39 a party who wants to make representations about this application must serve those representations **not more than 10 business days after receiving it.**

**1) Proposed participant by live link**

Give the name of the person you want to take part by live link:

**2) Hearing(s)**

List the hearing(s) at which you want this person to take part by live link:

**3) Type of live link**

What type of live link do you want for this person?

- Tick to show which* video
- audio

**4) Type of participant**

Is the person whom you want to take part by live link:

- Tick to show which* a defendant?
- a witness?
- a legal representative?  [See CrimPR 2.2\(1\)](#)
- an advocate?  [See CrimPR 2.2\(1\)](#)

If the person is a legal representative or an advocate, which party do they represent?

- Tick to show which* the prosecution
- a defendant

If that person represents a defendant, name the defendant if there is more than one in this case:

.....

**5) Witness information**

If the person you want to take part by live link is a witness:

(a) explain the importance of that witness' evidence:

(b) do you want the witness to be accompanied by another person while giving evidence?  Yes  No

If yes:

(i) who will that other person be? Give their name, if possible:

(ii) explain why it is appropriate for the witness to be accompanied: Include the witness' own views.

(c) what views, if any, has the witness expressed about giving evidence by live link?

(d) explain what arrangements will be made for the witness to have access to relevant documents and other materials when giving evidence by live link:

## 6) Location

These questions are about the place from which the person you want to take part by live link would do so if the court gives a direction.

(a) give the address from which that person will take part:

### *Important notes*

If you wish, you may give the address in the confidential annexe to this form and send that annexe to the court **only**.

If the address from which the person will take part is in a country outside the United Kingdom be aware that:

- the court cannot allow a person to take part from a country outside the UK without:
  - (i) evidence of that country's authorities' permission, or
  - (ii) an explanation of why no such permission is needed.<sup>1</sup>
- if you need that country's authorities' permission, it may take you several months to obtain.

(b) what is that place? Is it, for example, a house or flat, or a solicitor's or other office, or a police station or court building (other than the court room in which the hearing will take place)? (This is not a comprehensive list.)

(c) will that place be somewhere where the person taking part by live link will not be interrupted or overheard?

Yes  No

That place will be temporarily an extension of the court room while a live link is being used. If you have answered no, explain what will be done to make the place suitable.

(d) is there any time limit on the use of that place?

Yes  No

If yes, what is it?

<sup>1</sup> Some countries publish guidance about this on the internet. If the person you want to take part by live link will be a witness then unless the country's guidance says something different you may need to ask the court to issue a request for mutual legal assistance: see [section 7\(1\) Crime \(International Co-operation\) Act 2003](#).

**7) Equipment**

This question is about the live link equipment or device, and software, which the person you want to take part by live link would use if the court gives a direction. The court needs to be sure that that equipment will be compatible with equipment in the court room.

What equipment / device / software will the person taking part by live link use (e.g. laptop computer, smart phone, etc. using Skype, Zoom, Microsoft Teams, etc.)?

**8) Other information**

(a) Give any other information that you think the court should take into account about:

(i) the availability of the person you want to take part by live link:

(ii) any potential need for this person to attend court in person:

(iii) this person's ability to take part effectively if the court gives a live link direction:

(b) What views, if any, has this person expressed about taking part by live link?

**9) Interests of justice**

The court must be satisfied that it is in the interests of justice for the person you want to take part by live link to do so.

Why do you think it would be in the interests of justice for the court to give a live link direction for this person?

**Signed:** ..... (prosecutor)  
..... (defendant / defendant's representative)

**Date:** .....

**Decision**

I [give] [refuse to give] the live link direction sought because:<sup>2</sup>

[If the address from which the person to take part by live link is in a country outside the United Kingdom and the court is willing to give a live link direction provisionally:<sup>3</sup>

I give the live link direction sought on condition that the applicant either:

- (i) obtains and serves on the court evidence that permission for the use of a live link in this case, by the person who is to use it and for the purpose for which it will be used, has been given by the authorities of the country from which that person will take part, or
- (ii) provides a satisfactory explanation of why no such permission is needed

[before the hearing at which the live link would be used] [by no later than ..... (date)].

If by then neither of those two conditions has been met then this conditional direction will have no effect.]

Signed: .....

Name: ..... [Judge]  
[District Judge (Magistrates' Court)]  
[Justice of the Peace]

Date: .....

<sup>2</sup> Delete as applicable, and give brief reasons for your decision.

<sup>3</sup> Complete if applicable.

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## CONFIDENTIAL ANNEXE

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This annexe may include the address from which the person who is the subject of this application will take part if the court gives a live link direction. It may contain other information that the applicant for a live link direction thinks ought not be revealed to another party: CrimPR 3.38.

**REMOVE OR DELETE THIS ANNEXE FROM THE COPY OF THE APPLICATION THAT YOU SEND TO ANYONE OTHER THAN THE COURT.**

### **A1) Address (if not given already)**

Give the address from which the person you want to take part by live link will do so if you have not given that address in Box 6 of this form:

#### *Important note*

If the address from which the person will take part is in a country outside the United Kingdom be aware that:

- the court cannot allow a person to take part from a country outside the UK without:
  - (i) evidence of that country's authorities' permission, or
  - (ii) an explanation of why no such permission is needed.<sup>4</sup>
- if you need that country's authorities' permission, it may take you several months to obtain.

### **A2) Other information**

Give any other information relevant to this application that you think ought to be kept from everyone except the court:

### **A3) Reasons why this information should be withheld**

Explain why you think the information you have given in this annexe ought to be kept from everyone except the court:

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<sup>4</sup> Some countries publish guidance about this on the internet. If the person you want to take part by live link will be a witness then unless the country's guidance says something different you may need to ask the court to issue a request for mutual legal assistance. See [section 7\(1\) Crime \(International Co-operation\) Act 2003](#).