

# Live Links in Criminal Courts

## Guidance issued by the Lady Chief Justice – 2026

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- This guidance is issued pursuant to [section 51\(5\)](#) of the Criminal Justice Act 2003. It replaces the guidance issued in 2022 and any local arrangements supplementing it.
- It must be read alongside the [Criminal Justice Act 2003](#), the [Criminal Procedure Rules](#) (in particular rules 2.4, 2.7, 2.8, 3.2 and 3.35 – 3.39), the Criminal Practice Directions, the [Better Case Management Revival Handbook](#) (“BCM”), and Annex E of the [Equal Treatment Bench Book](#).
- Chapter 2, section 8 of the Practice Direction on Listing in the Criminal Courts requires this guidance to be followed.
- This guidance does not apply to the Court of Appeal (Criminal Division) or the Single Justice Procedure in the Magistrates’ Court.
- This guidance is to be implemented by 1 October 2026.

## Contents

Core Principle .....	2
1) Introduction .....	2
2) General Principles .....	2
3) Definitions .....	3
4) The Framework for Live Link Directions.....	3
5) Plea and Trial Preparation Hearings (PTPH).....	4
6) Other Preliminary Hearings .....	4
7) Trials .....	5
8) Sentencing Hearings .....	6
9) Court of Appeal (Criminal Division) .....	6
10) Witnesses.....	6
11) Children, Additional Needs and Interpretation .....	8
12) Practical Requirements .....	8
13) Participation from Outside the United Kingdom .....	9
14) Applications, Requests and Representations.....	9
15) Court Listing Plans.....	10
Annex A: Framework for Live Link Directions – by Participant and Hearing .....	11
Annex B: Live Link to Connect Participants Outside the United Kingdom.....	13

## Core Principle

The court will ordinarily follow the presumptive framework in this guidance unless satisfied that the interests of justice require a different approach in the particular case.

### 1) Introduction

- a) This guidance establishes a presumptive framework for the use of live links in criminal proceedings in England and Wales. It identifies the circumstances in which the court will ordinarily make a live link direction, and those in which in-person attendance will ordinarily be required. It is intended to optimise use of resources and achieve a more consistent and streamlined national approach to remote participation, through the use of live links, in the criminal courts across England and Wales.
- b) The court must still make a live link direction in each case. This guidance identifies when such a direction will ordinarily be made without a prior application.
- c) The court retains discretion in every case to depart from this framework where the interests of justice require.
- d) Live links are now an established and important part of criminal case management. Used appropriately, they reduce delay, improve resource efficiency and improve access to justice. Used inappropriately, they may impair participation, impede case progression, and undermine public confidence in criminal proceedings. This guidance is intended to promote the former and guard against the latter.

### 2) General Principles

- a) The presumptive arrangements in this guidance do not displace judicial discretion in any individual case but do reflect the circumstances in which the interests of justice will generally be served by the making of live link directions across the range of criminal proceedings.
- b) In deciding whether to make a live link direction, the court must apply section 51 of the 2003 Act. That includes considering this guidance and all the circumstances of the case (section 51(5)). In particular, the court must consider (as appropriate):
  - i. the nature and purpose of the hearing;
  - ii. the availability of the participant and any need for personal attendance;
  - iii. the ability of that participant to engage;
  - iv. the views of the participant, where appropriate;
  - v. the importance of any evidence to be given and the ability of parties to test it effectively;
  - vi. the need for effective communication between a defendant and their legal representatives;
  - vii. the suitability and reliability of the available facilities;

- viii. the requirements of open justice.
- c) The use of live links must serve the interests of justice. Administrative convenience alone is insufficient.
- d) The comparative convenience of live links must not lead to unnecessary hearings being listed. Matters that can properly be dealt with administratively should ordinarily be dealt with in that way.
- e) Fully remote hearings must comply with the principles of open justice and must not result in proceedings being conducted in private where that would not otherwise be lawfully justified. Fully remote hearings should be used only where the court is satisfied that the interests of justice and the requirements of open justice can properly be met. Information about how the public and media can observe a fully remote hearing should be published with the court list.
- f) A live link direction may be made, varied or rescinded at any stage of the proceedings where the interests of justice require, after giving the parties an opportunity to make representations.

### 3) Definitions

In this guidance:

- a) **Video-enabled hearing** means a hearing in which one or more participants attend remotely while the court remains physically constituted and open to the public.
- b) **Fully remote hearing** means a hearing in which all participants attend remotely.
- c) **Live link direction** means a direction made under section 51 of the Criminal Justice Act 2003 requiring or permitting a person to participate through a live link.
- d) **Presumptive framework** means the circumstances identified in this guidance in which the court will ordinarily make a live link direction without requiring a prior application.
- e) **Court Listing Plan** means the published operational and administrative arrangements of a Crown Court centre.

### 4) The Framework for Live Link Directions

- a) Annex A sets out the presumptive framework.
- b) In the identified categories, a prior application for a live link direction is not required and should not ordinarily be made.
- c) Unless the court has made a specific direction to the contrary, and subject to any representations made by the parties, the court will ordinarily make a live link direction at the start of the hearing in accordance with Annex A, if not made beforehand.
- d) Where in advance of a hearing the court departs from the presumptive framework, that departure must be recorded. In the Crown Court, this may be by making a widely shared comment on the Digital Case System (DCS). Parties must check the DCS, or

other court record, before each hearing to ascertain whether any specific direction has been made.

- e) In the Magistrates' Court, where the court departs from the presumptive framework, the participants will be informed by the court and a note made on court records.
- f) Where the framework indicates that in-person attendance is ordinarily appropriate, a party seeking to attend by live link must apply in advance for a contrary direction and provide sufficient information to enable the court to apply the interests of justice test.

## 5) Plea and Trial Preparation Hearings (PTPH)

- a) PTPHs are important hearings at which effective engagement between the defendant, advocates and the court can materially affect case resolution. Experience demonstrates that in-person attendance at the PTPH can promote engagement, early resolution, and avoid ineffective trials.
- b) Accordingly, the ordinary position for a PTPH is in-person attendance by the defendant and advocates where local operational arrangements permit and where that model can be operated effectively.
- c) However, operational constraints mean that an in-person hearing is not always practicable. The court may make a live link direction where that is in the interests of justice, taking account of whether:
  - i. adequate facilities exist;
  - ii. confidential conferences can take place before and after the hearing;
  - iii. effective case progression arrangements exist;
  - iv. the arrangements are clearly set out in the Court Listing Plan.
- d) Where a defendant attends in person, the defendant's advocate should attend in person.
- e) Where a defendant attends by live link, the advocate should ordinarily attend in person, but the court may permit remote attendance where the interests of justice permit it.
- f) Adequate pre-hearing conferences are required. Fifteen-minute pre-hearing conferences will rarely be sufficient in complex cases or where a guilty plea is realistically possible. In those circumstances, meaningful engagement should ordinarily have been undertaken in advance of the hearing and not left to the pre-hearing conference.

## 6) Other Preliminary Hearings

- a) For other preliminary hearings, whether in the Crown Court or Magistrates' Court, where the defendant is remanded in custody or is not required to attend, a live link direction should ordinarily be made for the advocate and for the defendant in custody (if required) in accordance with Annex A. These include:
  - i. bail applications;

- ii. mentions and case management hearings;
- iii. custody time limit applications;
- iv. compliance and review hearings;
- v. agreed confiscation hearings;
- vi. ground rules hearings;
- vii. applications to vacate fixtures;
- viii. legal argument hearings.

## 7) Trials

- a) Defendants and advocates should ordinarily attend the trial in person.
- b) There may be cases in which it is in the interests of justice for a defendant to attend the trial (or part(s) of the trial) by live link. Examples where this may be appropriate include:
  - i. a young or vulnerable defendant is held on remand at a specialist facility a long distance from the court;
  - ii. the defendant's ability to participate would be enhanced by maintaining a regular routine in custody;
  - iii. there is a practical difficulty in producing the defendant to court and their ability to participate effectively will not be prejudiced.
- c) Any direction for a defendant to attend any part of a trial by live link must be made strictly in the interests of justice and not merely for administrative convenience. The court must give reasons for such a direction.
- d) It may be in the interests of justice for advocates and witnesses to attend by live link where they are prevented from attending in person by minor illness, travel disruption, or some other temporary circumstance that would otherwise cause delay.
- e) If, exceptionally, consideration is being given to a live link direction for the attendance of a judicial office holder or court officer, then that must be discussed first with:
  - i. in the Crown Court, the Resident Judge and, if practicable, the Presiding Judge;
  - ii. in the case of a District Judge sitting in a Magistrates' Court, the Chief Magistrate (or where the Chief Magistrate is unable to be contacted, the Head of Legal Operations, or their nominee);
  - iii. in the case of a magistrate or court officer, the Head of Legal Operations (or their nominee).
- f) While the Act allows for a live link direction for a jury (introduced in the context of the Covid-19 pandemic but never used), it is only in an extremely rare case, if ever, that it is likely to be appropriate. If a judge is considering making such a direction, the Senior Presiding Judge should be consulted.
- g) The attendance of witnesses by live link is addressed in section 10 below.

- h) The parties must be given an opportunity to make representations before any live link direction is made, varied or set aside.

## 8) Sentencing Hearings

- a) The mode of attendance at a sentencing hearing is best considered when that hearing is listed or when a case is adjourned for sentence.
- b) Where a defendant is in custody, attendance at sentencing should ordinarily take place by live link where the court is satisfied that it is in the interests of justice.
- c) In deciding whether it is in the interests of justice for the defendant to attend by live link, the court should consider:
  - i. whether any victim is attending court in person;
  - ii. whether a victim impact statement is to be read (if so, subject to the victim's views, it may be in the interests of justice for the defendant to appear in person);
  - iii. whether family members or others significantly affected are attending;
  - iv. the seriousness of the sentence under consideration;
  - v. whether substantial factual issues arise.
- d) Where a live link is used for sentencing, the court must be satisfied that adequate arrangements are in place for pre- and post-hearing conferences between the defendant and their advocate.
- e) Where immediate sentence follows a hearing already conducted by live link, the court may continue by live link if satisfied, having given the parties the opportunity to make representations, that it remains in the interests of justice to do so.

## 9) Court of Appeal (Criminal Division)

- a) This guidance does not apply to the Court of Appeal (Criminal Division) (CACD). Hearings in the CACD will ordinarily take place with advocates attending in person in accordance with paragraph D.10 of the [Guide to Proceedings in the Court of Appeal \(Criminal Division\)](#). The CACD may exercise its discretion to make live link directions on a case-by-case basis.

## 10) Witnesses

- a) Witnesses (other than professional, police or expert witnesses) should ordinarily attend in person.
- b) Professional, police and expert witnesses should ordinarily be permitted to attend via live link where the evidence is peripheral, limited, or unlikely to involve substantial challenge; where credibility of the witness is not central to the issues; and where effective examination and cross-examination can properly take place.
- c) In deciding whether to make a live link direction for a witness, the court must apply the general principles in section 2.

- i. **Availability.** The court should consider whether the witness is available to attend and whether attendance in person would cause disproportionate difficulty, expense or disruption – particularly relevant for professional witnesses whose evidence is unlikely to be subject to substantial dispute.
  - ii. **Need for personal attendance.** The court should consider whether the nature of the evidence, the issues in the case, or the importance of the witness’s demeanour to the fact-finder makes in-person attendance necessary.
  - iii. **Importance of the evidence.** The more central the witness’s evidence to the issues in the case, the greater the scrutiny that should be applied to a live link direction. A direction is more readily appropriate for a witness whose evidence is formal or unlikely to be seriously challenged.
  - iv. **The views of the witness.** The witness’s own views must be ascertained and taken into account. A witness who objects to giving evidence by live link, or who expresses a preference for attending in person, is entitled to have that preference weighed. The views of a vulnerable witness carry particular weight.
  - v. **Suitability of facilities.** The court must be satisfied that the facilities at the remote location are adequate: the link must be reliable, the audio and visual quality sufficient for the witness to be seen and heard clearly, and the environment suitable. A link that has not been tested in advance should not ordinarily be used for witness evidence.
  - vi. **Whether a direction might tend to inhibit effective testing of the evidence.** The court must consider whether giving evidence by live link would make it harder for any party to challenge the witness effectively – whether through limitations on the advocate’s ability to observe demeanour and respond in real time, difficulties with documents, or the reduced impact of in-person confrontation.
- d) Where a witness is to give evidence remotely, the following arrangements must be made before the hearing:
- i. the link must be tested before the hearing begins;
  - ii. the witness must be provided in advance with any documents they are likely to be referred to during evidence;
  - iii. consideration must be given to the need for any video or audio evidence to be played during the witness’s evidence and whether the available facilities allow that;
  - iv. if the witness wishes to take an oath, the relevant holy book must be available at the remote location;
  - v. checks should be made that the witness has a secure internet connection and is in a location that is quiet and free from distractions;
  - vi. where appropriate, arrangements are in place for the witness to have support before and after giving evidence.

## 11) Children, Additional Needs and Interpretation

- a) Particular care must be taken in considering whether remote attendance is appropriate for a child or a participant who has additional needs, a disability, a communication difficulty, or other vulnerability. The court must consider whether remote attendance would improve or diminish that participant's ability to participate effectively. The provisions of Annex E of the [Equal Treatment Bench Book](#) must be applied.
- b) In-person attendance by the defendant and their advocate will ordinarily be required where the defendant is a child under 18 years of age. The advocate must be able to engage effectively with the child, their parent or guardian, the youth justice team, and other agencies that may be present. Remote attendance by a child or other vulnerable defendant or party requires careful individual assessment and should not routinely be ordered. Remote attendance by a child should only take place where suitable support – such as a youth justice worker or intermediary – is physically present with them, save in exceptional circumstances where the court is satisfied that effective participation can be achieved by other robust means. That adult must have adequate access to the child by live link before and after the hearing.
- c) Where a child witness (other than a defendant) gives evidence then the court must apply the special measures provisions in [section 21 of the Youth Justice and Criminal Evidence Act 1999](#), and the question of a (separate) live link direction does not arise.
- d) Where a defendant requires an interpreter, in-person attendance will ordinarily be preferable (particularly if more than one defendant requires an interpreter and there are different languages), unless it is not possible to secure an in-person interpreter within the time required, or (for hearings other than a trial) the hearing can proceed more expeditiously by the defendant and the interpreter both attending by live link (allowing the interpreter to interpret for the defendant without being heard by the court).

## 12) Practical Requirements

- a) A live link direction should not be made unless the facilities are available, in working order, reliable and meet any additional needs of a participant.
- b) Where an advocate intends to attend remotely in the Crown Court, they must record that fact and their contact details on the DCS by the time specified in the Court Listing Plan or, in the absence of such provision, by 9.00am on the day of the hearing.
- c) In the case of the Magistrates' Court, the advocate intending to attend remotely must provide to the court their contact details including any secure email not later than 48 hours prior to the hearing, unless it is an overnight custody case, in which case as soon as practicable after the defendant is charged.
- d) Advocates attending remotely must:

- i. remain available at all times throughout the relevant list, without advance notice from court staff that their case is about to be called;
  - ii. be dressed in accordance with the requirements that would apply if they were attending in person;
  - iii. attend from chambers, a legal office, another court building, or, where necessary, from home. Attendance from vehicles, public transport, or public places is not permitted;
  - iv. where attending from home, ensure a suitable background, freedom from interruption, and reliable equipment and internet connectivity;
  - v. where instructions may be required during the hearing, make proper arrangements to obtain those instructions before the hearing begins.
- e) A person who takes part in proceedings by live link is treated as being present in court for the purposes of those proceedings: section [52A\(2\) of the 2003 Act](#).

### 13) Participation from Outside the United Kingdom

- a) [Section 52\(1\)\(c\) of the 2003 Act](#) explicitly provides that the power to make a live link direction is available in respect of persons outside England and Wales, including those outside the UK.
- b) Where a participant to proceedings is abroad, the court will need to consider whether a live link would risk damaging the UK's diplomatic relations so as to be contrary to the public interest. The decision as to whether participants attend a hearing remotely or in person is a judicial decision and a matter for the discretion of the judge in each case applying the interests of justice test in light of all the circumstances. The court must also assess whether it is legally and logistically possible to implement a live link from a foreign jurisdiction.
- c) Judicial office holders must not sit remotely from outside the jurisdiction.
- d) Further guidance on witness evidence and making submissions from abroad is in Annex B.

### 14) Applications, Requests and Representations

- a) Where the framework indicates that remote attendance is appropriate, no prior application for a live link direction is required: the court will ordinarily make the direction at the hearing. Where a party seeks a contrary arrangement, they must notify the court and the other parties as soon as practicable and apply in advance.
- b) Applications in the Crown Court to depart from the ordinary position listed in Annex A must be made by the method and by the deadline specified in the Court Listing Plan. They must provide sufficient information to enable the court to apply the interests of justice test. Applications to do so in the Magistrates' Court must be made using the approved form pursuant to Rule 3.36 of the Criminal Procedure Rules.

- c) Where it is appropriate and practicable to do so, the applicant should seek the representations of the other parties before making the application. Any representations received should be provided to the court with the application.
- d) Where an advocate delegates the making of an application (e.g. to a clerk), the advocate is responsible for the information provided.

## 15) Court Listing Plans

- a) Crown Court centres are required to publish Court Listing Plans pursuant to the Practice Direction and should include practical and administrative matters relating to live links. Court Listing Plans must be consistent with this guidance and must not purport to alter the framework in Annex A.
- b) Court Listing Plans may include:
  - i. a directory of CVP links for each courtroom;
  - ii. the email address and deadline for live link applications;
  - iii. requirements for advocates to record attendance details on the DCS;
  - iv. details of how to request pre-hearing conference links for defendants in custody.

## Annex A: Framework for Live Link Directions – by Participant and Hearing

### **PART 1: MAGISTRATES' COURT**

This part sets out the presumptive framework for live link directions in the Magistrates' Courts. The court will ordinarily make a live link direction at each hearing in accordance with this table unless a contrary direction has been made in advance. Parties must check before each hearing to confirm whether any specific direction has been made.

- **“May attend by live link”**: no prior application is ordinarily required.
- **“Attend in person”**: application / direction required to depart from the framework.
- **“N/A”**: does not ordinarily arise for that hearing type (if relevant and a live link direction is sought, an application is required).

	Defendant in custody	Defendant not in custody and required to attend	Defence advocates when defendant in custody	Defence advocates when defendant on bail and required to attend	Prosecution advocates (whether defendant is in custody or not)	Witness (professional, police or expert) <sup>1</sup> or probation	Witness (other)
<b><u>Magistrates' Court</u></b>							
Preliminary hearing	May attend by live link <sup>2</sup>	Attend in person	May attend by live link	Attend in person	May attend by live link <sup>3</sup>	May attend by live link	N/A
Trial	Attend in person	Attend in person	Attend in person	Attend in person	Attend in person	May attend by live link	Attend in person
Sentencing – no victim expected in person	May attend by live link	Attend in person	May attend by live link	Attend in person	May attend by live link	May attend by live link	N/A
Sentencing – where victim expected to attend	Attend in person	Attend in person	Attend in person	Attend in person	May attend by live link	May attend by live link	N/A
Enforcement hearing	May attend by live link	Attend in person	May attend by live link	Attend in person	May attend by live link	N/A	N/A
Defendants under 18 or requiring an interpreter	Attend in person	Attend in person	Attend in person	Attend in person	Attend in person	May attend by live link	Attend in person

<sup>1</sup> Professional, police and expert witnesses should ordinarily attend by live link where the evidence is peripheral, limited, or unlikely to involve substantial challenge; where credibility is not central to the issues; and where effective examination and cross-examination can properly take place remotely.

<sup>2</sup> Provided the resources and facilities are in place in the police station.

<sup>3</sup> Where the defendant in custody and their advocate attend the preliminary hearing via live link.

## PART 2: CROWN COURT

This part sets out the presumptive framework for live link directions in the Crown Court. The court will ordinarily make a live link direction at each hearing in accordance with the relevant table unless a contrary direction has been made in advance. Parties must check the DCS before each hearing to confirm whether any specific direction has been made.

- **“May attend by live link”**: no prior application is ordinarily required.
- **“Attend in person”**: application / direction required to depart from the framework.
- **“N/A”**: does not ordinarily arise for that hearing type (if relevant and a live link direction is sought, an application is required).

	Defendant in custody	Defendant on bail and required to attend	Defence advocates when defendant in custody	Defence advocates when defendant on bail and required to attend	Prosecution advocates (whether defendant is in custody or not)	Parties’ lawyers (other than advocates with speaking role)	Witness (professional, police or expert) <sup>4</sup> or probation	Witness (other)
<b><u>Crown Court</u></b>								
Plea and Trial Preparation Hearing	Attend in person	Attend in person	Attend in person	Attend in person	Attend in person	May attend by live link	N/A	N/A
Other preliminary hearings	May attend by live link	Attend in person	May attend by live link	Attend in person	May attend by live link	May attend by live link	May attend by live link	N/A
Trial	Attend in person	Attend in person	Attend in person	Attend in person	Attend in person	May attend by live link	May attend by live link	Attend in person
Sentencing – no victim expected in person	May attend by live link	Attend in person	May attend by live link	Attend in person	May attend by live link	May attend by live link	May attend by live link	N/A
Sentencing – where victim expected to attend	Attend in person	Attend in person	Attend in person	Attend in person	Attend in person	May attend by live link	May attend by live link	N/A
Confiscation/ancillary orders	May attend by live link	Attend in person	May attend by live link	Attend in person	May attend by live link	May attend by live link	May attend by live link	Attend in person
Defendants under 18 or requiring an interpreter	Attend in person	Attend in person	Attend in person	Attend in person	Attend in person	May attend by live link	May attend by live link	Attend in person

<sup>4</sup> Professional, police and expert witnesses should ordinarily attend by live link where the evidence is peripheral, limited, or unlikely to involve substantial challenge; where credibility is not central to the issues; and where effective examination and cross-examination can properly take place remotely.

## Annex B: Live Link to Connect Participants Outside the United Kingdom

1. The guidance in this annex applies when the court is considering exercising its discretion to make a live link direction for a participant who is outside the United Kingdom.
2. A court may make a live link direction on condition that the applicant serves on the court, by a specified date, evidence that permission has been granted by the foreign jurisdiction for the witness to give evidence by live link from abroad in that case; alternatively, that the foreign jurisdiction has provided a blanket permission e.g. for any witness, or a witness of that type, to give evidence by live link from that country in any similar case, that has not been revoked or varied.

### Witness Evidence

3. In considering whether to permit oral evidence from a participant in a foreign jurisdiction, the court must consider the issue of any permission needed from a court or other authority in a place outside the United Kingdom ([CrimPR 3.36\(2\)\(e\)\(v\)](#)). Law enforcement authorities should not make arrangements for a live link from a foreign jurisdiction without first consulting the relevant authorities for that jurisdiction.
4. The court should consider whether a live link can be arranged informally via police-to-police processes with the foreign jurisdiction or whether it requires a formal mutual legal assistance (MLA) request i.e. a letter of request (LOR) to the host state.
5. An MLA request for evidence can be issued by designated prosecution authorities, or the Magistrates' Court, Crown Court or High Court directly to the relevant judicial authority in countries that have implemented the relevant sections (Article 15) of the 1959 European Convention on Mutual Assistance, without the request going through a Central Authority in the UK. Where countries are not signatories then the request must go through the UK Central Authority. Some countries that are signatories have further rules and exceptions and so the relevant party should consult with the UK Central Authority. Further information on requesting MLA in criminal matters, including request templates, can be accessed in the Home Office's [Mutual Legal Assistance Guidance](#). A court may issue an MLA request on behalf of the defence. In such circumstances, it is for the defence to draft the request with all necessary annexes and translations in line with the MLA Guidance.
6. Technical and practical arrangements for use of a live link with a remote participant must be tested in good time, so that alternative ways of adducing the evidence can be considered if necessary.

### Making Submissions from Abroad

7. In appropriate cases, consideration will be given to permitting a legal representative to make submissions from abroad. If a legal representative will be abroad at the time

of the hearing, that legal representative may apply to appear before the court via live link and must make it clear that they wish to appear from abroad. The decision is at the discretion of the judge applying the same considerations at paragraphs 2(a) and 2(b) of the main guidance.

8. The court will want assurances that the privacy of the proceedings will be protected and details of the arrangements that are in place. Legal representatives making an application to make submissions from a foreign jurisdiction should include an explanation for why it is not possible or practicable for the matter to be dealt with by a representative present in England and Wales.
9. It is one of the terms and conditions of use of the DCS that the user only accesses the DCS from the UK or the European Economic Area. The DCS must not be accessed from elsewhere.