

GUIDANCE NOTE

^[1]VIDEO LINK IN FAMILY LAW CASES

1. The purpose of this Guidance Note is to facilitate the uniform use of video link ^[2]in proceedings ^[3]before the family courts in Northern Ireland. Video link may be used as a cost effective and efficient means of facilitating evidence from witnesses who are in a `remote` location outside the courtroom where the case is being heard. It is a convenient way of dealing with a number of categories of witnesses, inter alia; expert witnesses, prisoners, persons overseas, vulnerable adults and children. It applies to the ^[4]following types of cases:
 - (a) Proceedings under The Children (Northern Ireland) Order 1995^[5]
 - (b) Proceedings under The Adoption (Northern Ireland) Order 1987
 - (c) Proceedings under The Protection of Children (Hague Convention) Act 2000
 - (d) Proceedings under The Family Homes and Domestic Violence (Northern Ireland) Order 1998
 - (e) Other proceedings brought before the family courts in Northern Ireland
2. The Court may issue directions in respect of the use of video link or other special measures in specific cases. Further, there may be other guidance to consider in certain cases ^[6].
3. Video link may be used to connect one court in Northern Ireland to another court in Northern Ireland, to a court outside Northern Ireland or to video link site, as directed by the Judge ^[7].
4. This Guidance Note covers the use of video link equipment in a courtroom. The courtroom is the “local site”. The other site to and from which transmission is “the remote site”. It is possible for the local site to simultaneously link up with more than one remote site. The remote site must be approved by the Judge when leave of the court for use of video link in a particular case is sought.
5. Before seeking leave of the court to use video link, the moving party must complete a video link request form ^[8] and submit this to the appropriate court officer to consider the availability of video link together with any necessary court staff and equipment for the day of the proposed video link.
6. The moving party must provide details of the remote site and of the equipment to be used both at the local site and at the remote site, together with all necessary contact names and telephone numbers.
7. The court must be satisfied that all equipment to be used in video link at all sites is of sufficient quality for a satisfactory transmission to include recording arrangements. Suitable preliminary checks must be carried out before transmission commences to ensure that the privacy of the proceedings will not be impaired by use of video link.
8. The moving party must arrange for the presence of a technical assistant at both the remote and local sites to supervise the operation of the video link throughout the

transmission in order to ensure continuity of connection and deal with any technical problems.

9. The prior leave of the court is required to sanction the use of video link in all cases. All parties legal representatives must address the issues of video link at an early stage of the proceedings and obtain all relevant information to enable an application for leave to the relevant court at an early directions appointment.

The leave application must contain the following information:

- (a) Name of case
 - (b) Party applying for video link
 - (c) Reasons for application
 - (d) Proposed witness or party to give evidence by video link together with any specific requirements¹⁹¹
 - (e) Type and location of the remote site
 - (f) Date, time and duration of proposed evidence
 - (g) Schedule of papers to be made available to the witness using video link
 - (h) Arrangements for oath/affirmation
 - (i) Cost for use of video link at all sites, including arrangements for public funding by Legal Services Commission if one or more parties are legally aided
 - (j) Any other necessary arrangements
10. All parties are entitled to be heard on whether or not leave should be given and as to its terms. Parties' legal representatives should endeavor to obtain the consent of all other parties to any such application, in which case the application may be considered by the Judge in Chambers without the necessity for an oral hearing. In the absence of agreement the application shall be determined at a directions appointment. The court itself may raise the issue of video link in any particular case, whereupon all parties will be provided with an opportunity to make representations prior to any direction being made.
 11. It is important to include within letters of instruction to expert witnesses reference to the possibility of video link facilities being available and their views obtained in relation to its appropriateness in the circumstances of the particular case.
 12. Arrangements will be made, upon request to the Court Office, for a child or vulnerable witness to familiarise themselves with the court environment and remote witness room prior to the hearing date.
 13. If parties wish to use video link for the joint meeting of experts this must be arranged between the parties and may not involve the use of court facilities without the prior approval of the court.
 14. The time available for the proposed video link must be communicated to the court and the other parties by the moving party. This must be done in advance of the hearing. All reasonable efforts must be made by all parties to adhere to this time.
 15. All parties and witnesses giving evidence via video link should arrive at their respective video link sites not less than 20 minutes prior to the scheduled

commencement of the transmission. The Judge will ordinarily not enter the local site until both sites are connected, court staff have checked to make sure that the equipment is working and that the parties can see and hear one another at the various sites.

16. The moving party must ensure that any appropriate material for the swearing of an oath appropriate to the witness is available at the remote site.
17. At the beginning of the transmission the Judge shall introduce himself^[10] and the lawyers to the witness. He may ask the identity of any other persons present at the remote site and will ask the witness to introduce himself and anyone else who is present.
18. The procedures and protocols normally used in normal family court hearings will apply during video link transmissions. This includes attire, etiquette, transparency, presentation, integrity of evidence, examination in chief and cross examination. During examination the witness giving evidence must be able to see the person asking questions. It is desirable that the witness giving evidence be able to see as much of the 'local site' as possible, and the Judge.
19. No recording of the proceedings, other than the official digital audio recording in the local site, may be made at any location without the prior leave of the court.
20. During the trial (or directions appointment) the Judge shall:-
 - decide upon the procedure for the video link.
 - ensure that those involved are aware of the identities of the parties at both locations.
 - give directions on seating arrangements and ensure that all parties can be seen and heard properly.
 - explain to the witness the method of taking the oath/affirmation, the manner in which the evidence will be taken and who will be conducting the examination and cross examination.
 - ask the witness to declare any documents he has available at any remote site.
 - ask the witness to confirm that he can see and hear what is happening in the local site.
21. All reasonable efforts must be made to keep the transmission time to a minimum and thereby avoid unnecessary costs.

The Honourable Mr Justice Weir
Head of Family Division
19th November 2007

**Request for Evidence/Directions Hearing to be given by Video Link;
Contact Details of Relevant Parties**

<i>Part 1: Your video-link request</i>	
<i>Case name:</i>	<i>Court Reference Number:</i>
<i>Date Call Required:</i>	<i>Court Name: Family Court 1</i>
<i>Start Time:</i>	<i>Court Address: Royal Courts of Justice, Belfast</i>
<i>Expected duration of link:</i>	<i>Purpose of link:</i>
<i>Name and contact number of witness:</i>	

<i>Part 2: Please complete by listing ISDN number at remote location and contact details</i>	
<i>Contact name Address</i>	<i>Telephone Number: Fax number</i>
<i>ISDN Number: Connection speed</i>	<i>Booking Reference:</i>

<i>Part 3: I confirm that all parties to these proceedings consent to the directions appointment/evidence being conducted by video - link</i>	
<i>Please indicate such confirmation by ticking the box opposite</i>	

<i>Part 4: Please give details of any person who will accompany the witness.</i>

Part 5: Please specify any unusual feature considered pertinent to this request eg taking oath or affirmation, local customs, time zone differences, special needs of witness, requirement for interpreter, advocate requires pre trial conference with witness etc.

Part 6: Please tick any of the following courtroom facilities which may be required during the video –link.

VHS Video tape player
Visual presenter for documents
Laptop point to enable a presentation to be made

Signed:

Please Print Name:

Telephone number:

(for office use only)

Approved By:

Dated:

It shall be the responsibility of the applicant party to advise the other parties to the proceedings that the directions appointment/ evidence will take place by Video Conference and of the time it is scheduled to begin when this has been confirmed by the relevant Court Office. PARTICIPANTS SHOULD BE AVAILABLE AT LEAST 15 MINUTES BEFORE THE STATED TIME TO ALLOW THE CALL CO-ORDINATOR TO ESTABLISH CONTACT WITH THEM.

^[1] See RSC (NI) (Amendment No 2) 2005 No 163; RSC (NI) (Amendment) 2007 No 189; The Family Proceedings (Amendment) Rules (NI) 2007 No 324; Magistrates’ Courts (Children (NI) Order 1995) (Amendment) Rules (NI) 2007 No 397; Magistrates’ Courts (Domestic Proceedings) (Amendment) Rules (NI) 2007 No 398

^[2] This Guidance Note applies to video link, to enable evidence to be given either remotely or from elsewhere in the court building

^[3] includes trials and directions appointments

^[4] and any amendments thereto

^[5] excluding Article 44 Secure Accommodation applications

^[6] See for instance COAC Best Practice Guidance to include guidance in Article 44 Secure Accommodation applications and cases involving domestic violence

^[7] In this context also refers to Master or Resident Magistrate

^[8] See Appendix 1

^[9] To include provision for witnesses or parties with a learning disability; hearing impediment; interpreter requirements etc

^[10] Any reference to 'he', 'his' or 'himself' also includes 'she', 'her' or 'herself'