

Ordinance 06 of 2024

Published in Gazette No. 2087 of 19 April 2024

**COURTS (CONSTITUTION AND JURISDICTION)
(AMENDMENT) ORDINANCE 2024**

An Ordinance to provide for the use of live links in court in certain circumstances.

Clare Elizabeth Simpson
DEPUTY ADMINISTRATOR

18 April 2024

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title and commencement

1.—(1) This Ordinance may be cited as the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2024.

(2) This Ordinance comes into force on 1 May 2024.

Insertion of new section 38C (use of live link in certain circumstances)

2. In the Courts (Constitution and Jurisdiction) Ordinance 2007(a), after section 38B insert—

(a) Ordinance 05/2007. Relevant amendments were made by Ordinances 02/2014, 02/2017, and 07/2020.

“Resident Judge’s Court: use of live link in certain circumstances

38C.—(1) A Judge, in the interests of the efficient or effective administration of justice, may direct or permit the use of live links as follows—

- (a) where an interpreter is required for proceedings, and either—
 - (i) the person responsible for booking an interpreter for the proceedings has made reasonable efforts to book an interpreter to attend the proceedings in person, but has not succeeded, or
 - (ii) an interpreter was booked to attend the proceedings in person but has failed to attend,the Judge may permit an interpreter to participate in the proceedings by live link from the other Sovereign Base Area or the Republic;
- (b) where a person has been arrested in the other Sovereign Base Area and is to be brought before a Judge in accordance with the Criminal Procedure Ordinance 2016, the Judge may—
 - (i) direct that the arrested person participates in the proceedings by live link from a permissible location;
 - (ii) permit the arrested person’s legal representative to participate in the proceedings by live link from the same place as the arrested person;
- (c) where a person (“P”) who has been remanded in custody applies for bail, the Judge may—
 - (i) direct that P participates in the proceedings by live link from the place where P is remanded in custody;
 - (ii) permit P’s legal representative to participate in the proceedings by live link from the same place as P.

(2) The provision of a live link for an arrested person in accordance with a direction under subsection (1)(b)(i) satisfies the requirement to bring the arrested person before a Judge for the purposes of the Criminal Procedure Ordinance 2016.

(3) In this section—

“the other Sovereign Base Area” means the Area other than the one in which the Judge directing or permitting the use of live links is present, at the time at which the proceedings in question take place;

“permissible location” means—

- (a) a police station in the other Sovereign Base Area,
- (b) where the other Sovereign Base Area is Akrotiri Sovereign Base Area, the court at Episkopi, or
- (c) where the other Sovereign Base Area is Dhekelia Sovereign Base Area—
 - (i) the court at Dhekelia, or
 - (ii) His Majesty’s Prison Dhekelia.

(4) A statement given in evidence through a live link by virtue of this section shall be treated, for the purposes of sections 110 and 113 of the Criminal Code, as having been made in the proceedings in which it is given in evidence.”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2024 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The Ordinance amends the Courts (Constitution and Jurisdiction) Ordinance 2007 (Ordinance 05/2007) to give Judges of the Resident Judge’s Court the power to permit or direct certain people to use live links (e.g. remote videoconferencing software) to participate in court proceedings in particular circumstances.

3. The Ordinance should be read alongside the Contempt of Court (Amendment) Ordinance 2024, which amends the Contempt of Court Ordinance 2008 (Ordinance 09/2008) to prohibit recording and transmission of remote court proceedings.

SBA/AG/2/CT135
