

OFFICIAL



Police witness evidence by live links (Remote Hearings)

Memorandum of Understanding and Live Links Protocol template

OFFICIAL

Contents

1	Background	3
2	Aims and Objectives	5
3	Partnership activities	5
4	Monitoring	6
5	Designated partnership leads	6
6	Disclaimer / Signatories	6
	Annex 1: Live Links Protocol	8
	Introduction	8
	Objectives	8
	General Principles	8
	Police witnesses giving evidence remotely via live links.	10
	Witness Care Unit	11
	His Majesty's Courts and Tribunals Service (HMCTS)	11
	Crown Prosecution Service (CPS)	12
	Annex 2: Working practices for warning cases in magistrates' courts and the Crown Court	14

1 Background

- 1.1 This Memorandum of Understanding (MOU) is between the National Police Chiefs' Council (NPCC), the Crown Prosecution Service (CPS) and His Majesty's Courts and Tribunals Service (HMCTS). It is supported by the Judicial Office of England and Wales.
- 1.2 The Lady Chief Justice's Guidance on Live Links in Criminal Courts (Annex 1) *"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. It also provides the national judicial framework for remote attendance by police, professional and expert witnesses."*
- 1.3 In respect of witnesses, the guidance states that police 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."* (Section 10, paragraph b)
- 1.4 This MOU sets out the operational arrangements through which HMCTS, CPS and the Police will support the attendance of police witnesses by live video link in criminal proceedings, where authorised by the court. References to 'police witnesses' mean police officers and police staff.
- 1.5 This MOU is not intended to create a wider framework for professional or expert witnesses, and nothing within this MoU restricts judicial discretion or overrides statutory or procedural requirements.
- 1.6 Live Links frameworks:**
 - 1.6.1 The statutory bases for the use of live links are contained in the [Criminal Justice Act \(CJA\) 2003, Part 8](#). Separate powers are available in respect of extradition proceedings under sections [206A to 206C of the Extradition Act 2003](#).
 - 1.6.2 For a subset of civil cases that are heard in magistrates' courts, [Rule 3B of the Magistrates' Court Rules 1981](#) allows for proceedings to be conducted via live link.
 - 1.6.3 For a subset of civil cases that are heard in the Crown Court, [Rule 5B of the Crown Court Rules 1982](#) allows for proceedings to be conducted via live link.
 - 1.6.4 [The Magistrates' Courts Rules 1981](#) and [The Crown Court Rules 1982](#) are made under [section 144 of the Magistrates' Courts Act 1980](#) and [section 84 of the Senior Courts Act 1981](#)

1.6.5 The definitions of live links are found in [CJA 2003, Part 8, Section 56\(1\)](#) and affirmed by [Rule 2.2 Criminal Procedure Rules](#) (**reproduced** below)

1.6.6 A 'live link' means a live audio link or a live video link and:

- (i) 'live audio link' means a live telephone link or other arrangement by which a person taking part in a hearing can hear, and be heard by, everyone else who is taking part and who is not in the same place as that person,
- (ii) 'live video link' means a live television link or other arrangement by which a person taking part in a hearing can see and hear, and be seen and heard by, everyone else who is taking part and who is not in the same place as that person.

1.7 Lawful bases for the use of live links and the processing of the data.

1.7.1 Alignment with the national judicial framework. The parties will operate this MOU consistently with Section 51 of the Criminal Justice Act 2003, the Criminal Procedure Rules, and the Lady Chief Justice's Guidance on Live Links in Criminal Courts. Nothing in this MOU restricts judicial discretion or alters the requirement for the court to make a live link direction in each individual case.

1.7.2 When a live link direction is made, police witnesses will give evidence from either a designated live link room or an appropriate location within their police station, using a police laptop and a wired internet connection or government-approved Wi-Fi to support security and reliability.

1.7.3 Whilst the principles governing live link directions are common across criminal jurisdictions, the parties recognise that operational arrangements differ between magistrates' courts and the Crown Court. Local processes should therefore take account of jurisdiction-specific requirements, including listing practices, case progression arrangements, consideration of Section 9 Criminal Justice Act statements, and the timing of any applications or representations regarding remote attendance.

1.7.4 The lawful bases for processing of the data are contained in Article 6 (1)(c) and (e) of the GDPR [Regulation \(EU\) 2016/679](#). These are:

1.7.4.1 [Legal obligation](#) supported by:

- a) [The Criminal Procedure Rules 2025](#) and the [Criminal Practice Directions 2023](#)
- b) [The Magistrates' Courts Rules 1981](#) and [The Crown Court Rules 1982](#), made under [section 144 of the Magistrates' Courts Act 1980](#) and [section 84 of the Senior Courts Act 1981](#)

1.7.4.2 [Public task](#) supported by:

- a) Section 8(a) [Data Protection Act 2018](#)

2 Aims and Objectives

- 2.1 The overarching aim of this MOU is to enable police witnesses to give evidence remotely, rather than having to attend court in person. Benefits include:
- a) Police witnesses can remain at their stations and stay productive until they are called to give evidence, and can return to frontline duty immediately afterwards, increasing productivity and the service they can provide to the public.
 - b) Reduced time spent by officers at court and travelling to and from court.
 - c) Greater flexibility in court listing, as officers may be able to give evidence in more than one court on the same day, helping to reduce delay.

3 Partnership activities

- 3.1 The MOU supports the presumption that live video link should ordinarily be permitted for police witnesses to give evidence where this falls within the applicable judicial framework, and the court is satisfied that it is in the interests of justice to make a live link direction. In accordance with the Lady Chief Justice's guidance, this will ordinarily include cases where police evidence is peripheral, limited, or unlikely to involve substantial challenge, where the credibility of the witness is not central to the issues in dispute, and where effective examination and cross-examination can properly take place by live video link.
- 3.2 Notwithstanding any decision by the court to permit a police witness to give evidence by live video link, the CPS/prosecution advocate may determine that presentation of the case relevant to a police witness's evidence would be best achieved if delivered in person. In accordance with paragraph 14(a) of the LCJ's Guidance, the CPS/prosecution would be required to notify the court and other parties as soon as practicable and make an application to the court. Cases falling outside the presumptive framework for live video link evidence, or where there are compelling reasons for personal attendance, may therefore proceed with witnesses attending court in person where the judge considers this necessary in the interests of justice. HMCTS will support appropriate operational arrangements and technology to enable increased remote attendance by police witnesses.
- 3.3 Following implementation of the Lady Chief Justice's Guidance on Live Links in Criminal Courts, a prior application will not ordinarily be required where attendance falls within the presumptive framework set out in Annex A of that guidance. Where attendance arrangements fall outside that framework, applications should be made in accordance with the Criminal Procedure Rules and any applicable court processes.
- 3.4 Wherever possible, matters capable of being dealt with administratively should not be left until the day of trial. Where the court determines that a police witness

should attend in person, sufficient notice should be provided where practicable so that officers and staff can be advised and prepared to attend court.

- 3.5 This MOU and related activities will be reviewed annually to ensure that they are being delivered as agreed and are having the intended impact.

4 Monitoring

- 4.1 All partners commit to proportionate ongoing monitoring to support accountability and performance, while taking account of collective resources.
- 4.2 The National Police Chiefs' Council (NPCC) will co-ordinate monitoring and report back to senior teams and governing boards as appropriate.

5 Designated partnership leads

- 5.1 Each partner will appoint senior members of staff to be accountable for effective implementation of the protocol within their organisation.
- 5.2 They will:
- a) Ensure the process is embedded within its own agency.
 - b) Review compliance and process issues and report any matters that cannot be resolved locally to their thematic national lead.

6 Disclaimer / Signatories

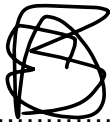
- 6.1 Signatures appear on the next page alongside a disclaimer
- 6.2 By signing this document, partners do not commit to legally binding obligations. Partners remain independent of each other, and their collaboration and use of the term "partner" does not create a legal entity or authorise any partner to enter into commitments for, or on behalf of, another partner.

Signed on behalf of the Police Service of England and Wales

Jenny Gilmer

..... Date29/9/26.....
Assistant Chief Constable Jenny Gilmer, National Police Chiefs Council

Signed on behalf of the Crown Prosecution Service



..... Date 29/9/26.....
Emma Tebbutt, Deputy Director of Operational Delivery

Signed on behalf of His Majesty's Courts and Tribunals Service



..... Date29/9/26.....
Mark Stewart, Courts and Tribunals Director.

Annex 1: Live Links Protocol

Introduction

- 1.1 This protocol refers to the use of live video links to enable police witnesses to give evidence remotely, subject to judicial discretion in individual cases.
- 1.2 In this context 'police witnesses' means police officers and police staff.
- 1.3 This protocol assumes that the normal running of a trial will not alter, save where specifically mentioned.
- 1.4 The use of live video links to give evidence does not affect the requirement for police witnesses to be called to give evidence in person, if so requested or ordered by the court.
- 1.5 The expectation remains that witnesses will give evidence in person (in court or by live link) when their presence is in the interests of justice. Evidence that can be agreed, avoiding the need for the witness to give live evidence either in person or remotely, should be identified at an early stage.
- 1.6 Listing remains a judicial function administered on behalf of the judiciary by HMCTS. Nothing in this protocol is intended to alter that.

Objectives

- 2.1 The objective of the protocol is to enable the joint management and smooth running of trials where evidence is provided by police witnesses via live video link, by ensuring all parties understand what is expected of them and can deliver against those expectations.
- 2.2 Live link environments are an extension of the court, and therefore this protocol looks to ensure that the standards of professionalism associated with giving evidence in person, and the integrity of courtroom proceedings are preserved.

General Principles

- 3.1 Following implementation of the Lady Chief Justice's Guidance on Live Links in Criminal Courts on 1 October 2026, a prior application will not ordinarily be required where attendance falls within the presumptive framework set out in Annex A of that guidance. Where attendance arrangements fall outside that framework, applications should be made in accordance with the Criminal Procedure Rules and any applicable court processes. The court will make the determination as to whether attendance by live link is permitted, so police witnesses must be prepared to attend court in person if directed.

- 3.2 Prosecution cases will be prepared to facilitate the use of live links for police witnesses where appropriate, and where this is consistent with the LCJ guidance,, the Criminal Procedure Rules and any live link direction made by the court.
- 3.3 It is the court's decision to make a live link direction. If any application to give evidence remotely is not supported by the CPS, then the police witness will give evidence in person on the specified date.
- 3.4 Notwithstanding any decision by the court to permit a police witness to give evidence by live video link, the CPS/prosecution advocate may determine that presentation of the case relevant to a police witness's evidence would be best achieved if delivered in person, and request that the police witness attend court.
- The Police will ensure there is a nominated person to regularly check the live link room (if such facilities exist within a particular Police Force) to ensure the video equipment is working and that the room is tidy and fit for use as an extension of the court. This includes the proper maintenance of Holy books, oath/affirmation cards, and appropriate signage.
- 3.5 If evidence is to be given through a video platform, instructions on its adequate use will be provided by HMCTS court staff.
- 3.6 In the event of any technical issues and/or hardware failures with the video equipment, the Police or HMCTS (depending on whether the issue is at a police site or the court) will report the problem to their relevant helpdesk immediately.
- NOTE** - an audit of existing equipment must be undertaken prior to the implementation, to confirm the equipment is up to standard and working correctly.
- 3.7 Police forces will take reasonable steps to ensure that witnesses attend from a suitable professional environment; equipment has been tested in advance where practicable; audio and visual quality enables the witness to be clearly seen and heard; a stable and secure internet connection is available; any documents likely to be referred to during evidence are available to the witness; and arrangements exist for escalation of technical issues should they arise.
- 3.8 It is the duty of all parties to alert the court to any reasons why a live link direction should be varied or revoked, including where individual circumstances may be relevant to the interests of justice. Such matters remain for judicial determination on a case-by-case basis.
- 3.9 Annex 2 incorporates the working practices that need to be observed by all signatory agencies.

Police witnesses giving evidence remotely via live links

- 4.1 Police will provide up-to-date availability on the prescribed form of an MG10, supplied to the prosecutor for the first hearing.
- 4.2 Police witnesses have a duty to be available to attend court or appear remotely to give their evidence. They are expected to keep the Witness Care Unit updated with any changes in their available dates to assist in case management. If the police witness has been requested to attend court in person, please refer to the section below.
- 4.3 Police witnesses must comply with the attendance direction made by the court. Where a live link direction has been made, the witness should attend remotely from the agreed police location and should not attend court in person unless the court varies that direction or specifically requires personal attendance.
- 4.4 Police witnesses will ensure that their duties accurately reflect their availability.
- 4.5 Where a live link direction has been granted, it will be the automatic presumption that police witnesses will give evidence from their home station or closest live link facility unless there is an operational need to work from another location. They must be at the required location at the time they are warned to attend. It is the responsibility of the police witness to notify the Witness Care Unit (WCU) as soon as possible of any change of location. The WCU will update CPS of this change in location.
- 4.6 Police officers may be tasked with on-site duties whilst waiting to give evidence at the live link location but must be available to give their evidence when the court is ready.
- 4.7 Police witnesses should be mindful that the live video link is an extension of the court and as such their appearance and behaviour should reflect the professionalism that should always be displayed at court. The integrity of the courtroom and proceedings must always be preserved.
- 4.8 Police witnesses providing evidence will be dressed in normal uniform or in compliance with force dress codes appropriate for their role. When at a secure police premises, personal protective equipment (e.g. protective vests, utility belts) need not be worn. Staff issued with epaulettes with identification numbers should wear these. Officers who normally wear plain clothes should wear smart plain clothes. All staff should be in possession of their police warrant or identity cards.
- 4.9 It is acceptable to have access to water whilst giving evidence. Vessels should be in the form of a clear glass or plastic cup as is custom in a court room. Drinking from mugs and bottles is not appropriate.

- 4.10 Police witnesses giving evidence by live video link should be seated with a neutral background.
- 4.11 Police witnesses should ensure they have with them a hard copy of their statement, and ensure devices are switched off during the hearing. Police witnesses should ensure that they are familiar with the contents of their statements in advance of giving evidence. It is expected that evidence is given from recollection and, whilst reference to statements may be permissible (with the leave of the court), it should not be assumed that this will be the case. Recollection should be adequately refreshed from statements before the hearing. Statements should be placed face down and not referred to without the Court's permission.

Witness Care Unit

- 5.1 The Witness Care Unit (WCU) will warn police witnesses via email that they have been asked to give evidence by live video link and advise the individual to attend the relevant police location rather than attending the court location. The email will include instructions on how to use the live video link equipment and court contact details to enable them to confirm their arrival and availability to give their evidence when called. The warning email should make clear that the witness must follow the court's attendance direction and, where directed to attend by live video link, should not attend court in person unless subsequently instructed to do so.
- 5.2 The WCU will make a note in the 'Additional Information' section of the MG10 document at PTPH/CMH stage to identify police witnesses expected to give evidence by live video link, where this falls within the applicable judicial framework. Where arrangements fall outside that framework, or where a party seeks to depart from it, any application or representation should be made in accordance with the Criminal Procedure Rules and applicable court processes.
- 5.3 When notified by HMCTS or CPS that a police witness has not reported their arrival at a location as expected, it will be the responsibility of the Witness Care Unit to establish why and make alternative arrangements where possible. Feedback should be provided to CPS and / or the judiciary to clarify any potential changes to proceedings.
- 5.4 Unless they are required to remain, police witnesses will be discharged by the court and, when released, should not discuss the case with anyone. The process will be repeated if more than one police witness is required to give evidence.

His Majesty's Courts and Tribunals Service (HMCTS)

- 6.1 Within the magistrates' court, the legal adviser/judge/court associate will mark any cases where there are police witnesses appearing by live video link on the Preparation for Effective Trial form.
- 6.2 For cases in magistrates' courts and the Crown Court, when the not guilty plea is entered, the judge, with the assistance of the parties will manage the case including identifying whether a police officer or staff member is required to give evidence and whether a live link direction should be made.

Crown Prosecution Service (CPS)

- 7.1 The CPS will in the first instance, in each case, determine whether the police officer in the case and/or other police witnesses are required to attend court or can give evidence remotely. In appropriate cases, the CPS will raise any objection to police witnesses giving evidence remotely at the first hearing.
- 7.2 In accordance with existing practice, the CPS will review each case file before a trial to determine if police witness evidence can be served under Section 9, Criminal Justice Act 1980, and the Criminal Procedure Rules 2025.
- 7.3 CPS will mark up the Hearing Record Sheet accordingly.
- 7.4 CPS will send the List of Witnesses Attending Court to the Witness Care Units with details of any police witnesses appearing in person or remotely.
- 7.5 The CPS will communicate witness requirements and cancellations to the WCU as soon as practical but within 48 hours of any decision for a requirement to attend, or variation of a decision.
- 7.6 CPS nominated staff will be responsible for keeping police witnesses waiting to attend by live video link updated with significant information regarding the progress of the case, for example if they are stood down, guilty pleas, breaks for lunch, and end of court sessions. This information may be communicated by either the appropriate MS Teams channel, phone, or email.
- 7.7 Where police witnesses are de-warned, communication of this information should be prioritised. If this is prior to the witness reporting their arrival to the court on the trial day, this will be via the WCU. If witnesses are stood down on the day of the trial, the Prosecutor will inform the police witnesses as soon as possible.
- 7.8 The CPS will provide a 'batting order' (order in which witnesses will be required to give evidence) except where the court has timetabled witnesses. Where no batting

order has been provided the WCU should be provided an update from CPS the night before as to who should attend on day one, and subsequent days thereafter.

- 7.9 Warning witnesses: the expectation is officers will only be listed for attendance at court on annual leave or protected rest days if exceptional circumstances apply. Nothing in this MOU prevents the parties from making representations regarding individual circumstances where relevant to the interests of justice. Such matters remain for judicial determination on a case-by-case basis. Reasons will be recorded on the Hearing Record Sheet by the CPS Prosecutor.

Annex 2: Working practices for warning cases in magistrates' courts and the Crown Court

- 1.1 Police witnesses (i.e. officers and members of police staff), should not be asked to return from annual leave to attend court or to give evidence remotely, except in exceptional circumstances. This includes rest days specifically within or at either end of a period of annual leave.
- 1.2 Police witnesses should not be warned for attendance at court on their first duty day following a period of annual leave if the warning has not been communicated in advance of the period of annual leave commencing.
- 1.3 Police witnesses will not be expected to attend court or give evidence remotely on their allocated rest days for cases listed in the magistrates' court other than in exceptional circumstances. Details of any 'exceptional circumstance' will be communicated to the WCU via the CPS. The rest days of police officers and police staff are the equivalent to weekends, as such their private and family life should be respected.
- 1.4 Police witnesses may be warned for court, to give evidence via a live video link whilst scheduled for a training course, and attendance should be facilitated by course trainers. Training commitments/courses will need to be considered on a case-by-case basis having regard to the nature, necessity, and length of the course. It is expected, where technology exists, to maximise the use of police or court live link equipment to reduce the time abstracted.
- 1.5 Officers will only be warned for attendance at the magistrates' court on a rest day if exceptional circumstances apply. Where possible the court should seek to avoid disruption to a set of night shifts. This is to ensure compliance with the European Working Time Regulations in respect of daily rest periods in each 24-hour period. Officers must have 11 hours break between the end of a shift and start of their next shift.
- 1.6 In Crown Court cases, the OIC will be warned to attend court on day one of a trial, irrespective of whether they are required to give evidence as a witness. If the OIC is not available to attend, the OIC's supervisor will be required to identify a suitable alternative officer.
- 1.7 It is accepted that in complex or serious cases police officers' rest days may need to be changed. Where possible it is expected that this is considered and kept to a minimum.
- 1.8 The principle of exceptional circumstances must take account of the impact that late notice court warnings, changing officers' rest days and the movement of officers from night duty (often involving several quick changes of shift) has on both the individual and the police organisation. It recognises the financial impact and

the consequent knock-on effect on to the provision of minimum cover ensuring public safety and the maintenance of public satisfaction and confidence in the service.

- 1.9 If a police witness is required to attend court urgently, e.g. the same or next day, then the CPS should contact the Witness Care Unit by telephone. If, however, the notification can only be made **'out of hours' (Mon-Fri, between 08:00 and 18:00)**, then this should be sent to the Force control.
- 1.10 Exceptional circumstances would include:
 - A suspect remanded in custody and subject to custody time limits
 - Any offence involving domestic abuse
 - Any offence involving a vulnerable or intimidated victim or witness
 - Any case which would impact significantly on the local community if it were not to go ahead
 - Many witnesses, where it is not possible to provide a timely date suitable to all witnesses (see NB below)
- 1.11 This is not to say that in these types of cases rest days will be disregarded as a matter of routine and quite clearly other critical factors may take precedence. However, changing officers' rest days has a significant impact on individuals and police organisational resilience.
- 1.12 **NB:** Where there is no clear solution due to the impact of various witnesses' availability, the CPS may consider applying for a short adjournment (up to 30 minutes) to assess with the Witness Care Unit.
- 1.13 Interpreting codes on the MG10 'dates to avoid' form:
 - R = Rest Day
 - L = Leave
 - C = Course / Training
 - N = Night Duty (2200 - 0700)
 - S = Sickness
 - O = Other
 - A more detailed breakdown will be shown on page 2 of the MG10

Process and protocol guidance

- 1.1 [Lady Chief Justice's Guidance on Live Links in Criminal Courts](#)
- 1.2 [Live Links | The Crown Prosecution Service](#) (Legal Guidance)