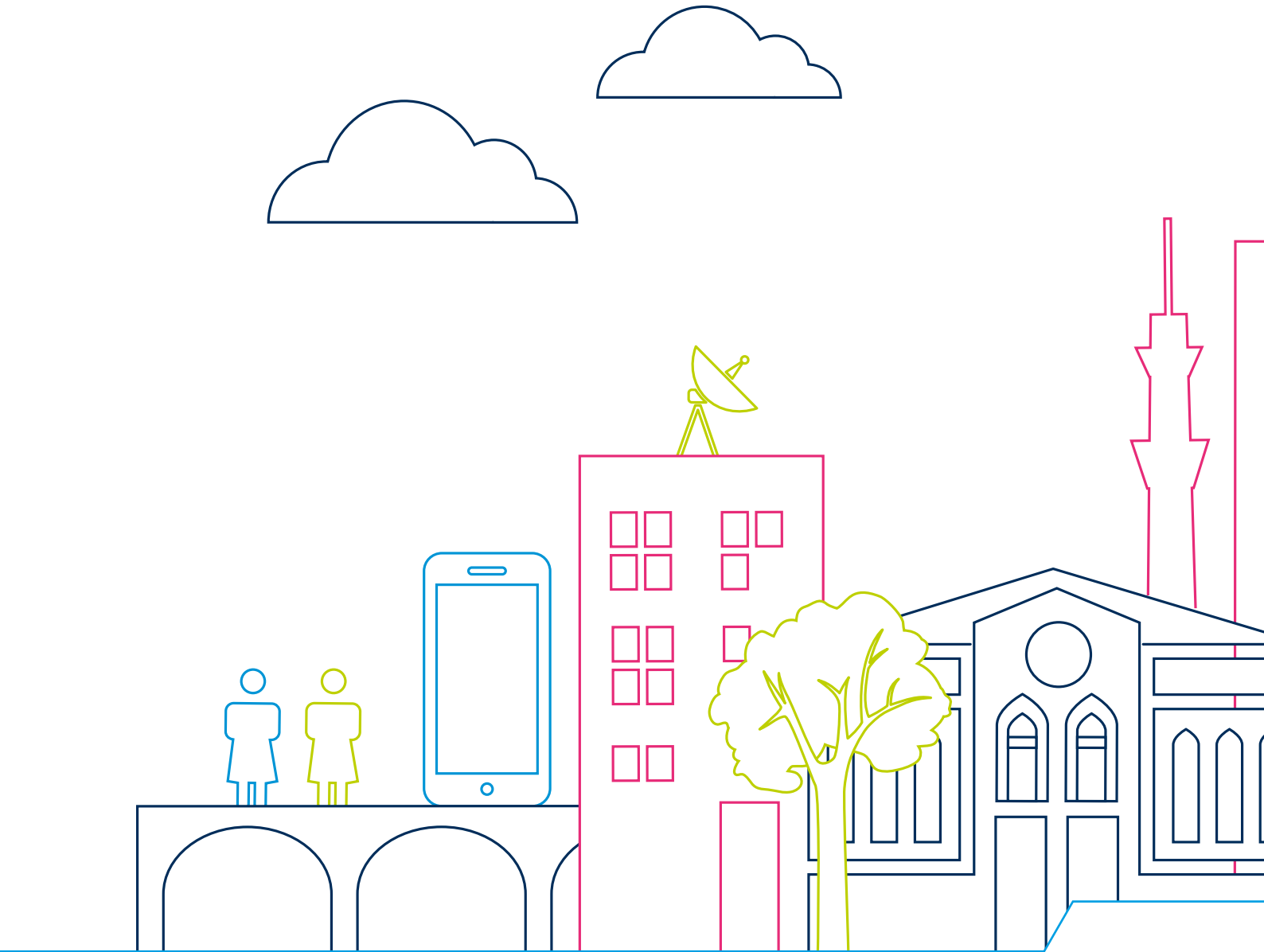




HM Courts &
Tribunals Service

Reporters' Charter

May 2022



MLA
MEDIA LAWYERS ASSOCIATION

Society of Editors
www.societyofeditors.org

Reporters' Charter

This Charter seeks to promote reporting in courts and tribunals by summarising the rights and obligations journalists have when reporting judicial proceedings.

The media play an important role in the justice system. It is often said the media are the public's eyes and the ears in the courts. The public have a right to attend most court and tribunal hearings, but the reality is the public primarily learn about the work of the courts and tribunals through news reports in newspapers, on television, radio or online.

Public confidence in the justice system and the rule of law relies on transparency and this is facilitated by journalists reporting court and tribunal proceedings widely and accurately.

Open Justice

The principle of open justice – that justice must be done and be seen to be done – is a fundamental principle in our legal system. Open justice is the default position. Any qualification to it must be based on law and justified on the facts. The public has a right to know what happens in their courts and tribunals.

Attendance: The media are entitled to attend and observe all open court and tribunal proceedings, including those with reporting restrictions.

Remote access: Reporters may be able to observe court or tribunal hearings remotely via video or audio. Courts and tribunals will aim to facilitate this where it is lawful and physical attendance would be available, but access cannot be guaranteed. It will depend on the nature of the hearing and the circumstances including the time and resources available. A timely request for remote access will help the court accommodate the reporter.

Identifying the media: HMCTS accepts a valid UK Press Card as verification of an accredited journalist.

Taking notes: Journalists can take notes of proceedings wherever they sit in the courtroom.

Wifi: GovWifi should be available for the media to use in court and tribunal buildings.

Reporting proceedings: The media are entitled to publish and include in a broadcast report details of what happens in open court and tribunal proceedings unless a statutory restriction applies, or a court order prevents this.

Dedicated press seats: Courts and tribunals will normally provide designated seats in the courtroom for journalists. Journalists should not usually be asked to report the trial from the public gallery, members of the public should not usually be given access to press seats.

Using phones and laptops: Mobile phones and other text-based devices such as laptops can be used by the media in the courtroom as long as they do not disturb court users.

Social media: The media can publish, in writing, most details of what happens in court on social media platforms such as Twitter and this can be done live from inside the courtroom. This form of reporting is subject to the same legal restrictions as any form of court reporting. Reporters, unlike the public, do not need to ask for permission to report in this way. The judge or magistrate retains a discretion to prohibit such communications.

Livestreaming proceedings online is prohibited unless specifically authorised by statute. For example, the Supreme Court livestreams some of its proceedings.



Photography, filming and sound recording: It is illegal and can be a contempt of court for an observer to take photographs, to film, or to make sound recordings in the courtroom, court building or precincts or when attending hearings remotely. It is illegal and may be a contempt to publish or broadcast images or recordings made in breach of this ban. The court has limited powers to allow recording by observers.

Outside court, journalists can use their mobile devices to photograph court and tribunal documents they are entitled to see.

Press rooms: Courts and tribunals will endeavour, where building space and capacity allows, to provide a press room or private space for journalists.

Defendants entering from a side door: Defendants should normally not be allowed to enter the building by a side entrance - unless advised to do so by the police or the judge on security grounds.

Video and images shown in court: The disclosure of images shown in court (such as CCTV images), is governed by the [Police / CPS Media Protocol](#) on Publicity and the Criminal justice system.

High Profile trials: HMCTS has published [guidance for high profile cases](#) where large numbers of media representatives wish to attend a hearing.

Provision of information

Court lists: Public court lists are available to all, free of charge, and should normally be available – online or in hard copy in court and tribunal buildings – by the morning the hearing is listed.

In criminal cases, at a minimum, the media court lists should contain the time and place of the hearing, the defendant's name, age, address and, where known, their occupation and the alleged offence.

In civil cases the court list should contain the time and place of the hearing, the names of the parties, judge and courtroom should be given. The provision of such information to the media does not breach data protection legislation.

HMCTS has published a [Media Protocol on Sharing Court Lists, Registers and Documents](#)

Find out [where public court lists are published](#).

Information about Criminal cases

The Criminal Procedure Rules 5.8 state journalists are entitled to the following information if the case is ongoing, unless (exceptionally) the supply of the information to the journalist is prohibited by a reporting restriction:

- Date of any public hearing, unless any party has yet to be notified of that date;
- The alleged offence and any plea entered;
- The court's decision at any hearing in public, and any decision about bail, or the committal, sending or transfer of the case to another court;
- Whether the case is under appeal;
- The outcome of the case and any appeal; and,
- The identity of the prosecutor, the defendant (including date of birth), the parties' representatives and their addresses, and the judge, magistrates, or justices' legal adviser who made a decision at a public hearing
- Any reporting restriction.

Charge sheet/Indictment: Copies of the charge sheet or indictment should be provided to the media on request.

Request for information about cases over six months old:

If any member of the public, including media representatives, want information about a case that ended more than 6 months ago then they must apply to a judge under Crim. Procedure Rule 5.8(7) and explain the reasons for the request.

See HMCTS Guidance to support [media access to criminal courts](#).

Information about Civil cases

Once proceedings are commenced, the fact of the claim can be made public, including the name of the parties, legal representatives.

Supply of documents from court records to a non-party: 5.4C of the Civil Procedure Rules states where an acknowledgement of service or defence has been filed or the court has given permission or the claim has been listed for hearing or a judgment given, anyone may obtain from the court records

- a copy of a statement of case (which includes the Particulars of Claim, Defence and any Counterclaim) but not any documents attached (such as expert reports), and
- a judgment or order given or made in public (whether made at a hearing or without a hearing).

Permission is not needed from the court and the parties do not need to be notified.

The court can order that disclosure not take place and an application can be made for access to other documents on the court file. A fee may be payable.

The hearing: To understand proceedings and support the principle of open justice access should normally be allowed to documents in civil cases, including witness statements in open court. Reporting proceedings without access to such material can become impossible given a significant amount of the argument and evidence is in written form. While there is no automatic public right of access to all court records that were not read in open court, the case law on this area encourages disclosure of documents when it advances the principle of open justice.

Disclosure is not limited to documents that have been read in open court but may potentially include any record kept by the court in relation to the case.

Witness statements: Under Civil P.R 32.12 a witness statement which stands as evidence in chief is open to inspection during the course of the trial unless the court otherwise directs. The court can order non-disclosure if in the interests of justice.

Other documents before the court: Where a hearing has taken place in open court (including by phone or video), a request for disclosure can be made to the court for documents put before the court. The request should clarify why disclosure is sought and how access will advance the open justice principle.

Judgments or orders given or made in public: Journalists can be given judgments or orders made whether made at a hearing or without a hearing.

Transcripts: Reporters can be given a transcript of proceedings held in open court (which may be subject to a fee) but not a transcript of a hearing held in private or if providing the transcript would contravene a reporting restriction.

Reporting Restrictions

Journalists can report what happens in open court proceedings, subject to any court order or statutory restriction. Information about a case or hearing can still be given to the media even where reporting restrictions apply. It is the media's responsibility to ensure that what they publish complies with the law. The decision on what to publish rests with the media.

The procedure for making reporting restrictions in criminal cases is covered by Part 6 of the Criminal Procedure Rules and the Judicial College has published useful guidance [Reporting Restrictions in the Criminal Courts](#).

Notifying the media: A party seeking a reporting restriction must apply to court and notify any other party or person as the court directs. The media should be notified of a reporting restrictions application and given an opportunity to make representations. Court orders restricting reporting should be considered at a pre-trial/pre-inquest stage and be considered in advance - so representations are made at an early stage.

If the application is for the trial to be held in private, court staff should display a notice of the application at a prominent location near the courtroom and notify the media. Such applications should be dealt with by the court without unreasonable delay to ensure proceedings are reported contemporaneously.

Media representations to the court: If the media wish to oppose the application for a reporting restriction, they can make representations to the court either in writing or orally.

The Court Order: Any order restricting reporting should be put in writing as soon as possible and the media will be made aware of the order on the court register. Breach of an order imposes potential criminal liability, so it is vital the terms of the order are clear, in writing and made known.

The order should set out the date, name of the trial, who made the order, the reason for the order and its legal basis, who is affected by the order and how long it lasts. Orders that are rescinding, replacing, updating or amending a previous order must make this clear, including the status of previous orders.

Once an order is made, court staff should display a notice by the courtroom door, on the daily lists/registers or in the pressroom. At the beginning of a hearing, the judge should inform those present (in person or remotely) if there is a reporting restriction in place. The responsibility of finding out remains on reporters, however. A reporter who joins a hearing after it has started or is unsure whether a reporting restriction is in place should ask court staff (in person, by phone or by email).

Contact points

About a specific case or hearing:

Journalists should [contact a court or tribunal's administrative team](#)

Broader enquiries about the court and tribunal system:

The MOJ press office: 020 3334 4872 / out of hours 020 3334 3536
[Media enquiries - Ministry of Justice - GOV.UK \(www.gov.uk\)](#)

Issues concerning judges and magistrates:

The Judicial Press Office 020 7073 4852.
[Judicial Press Office | Courts and Tribunals Judiciary](#)

Judgments:

[Judgments | Courts and Tribunals Judiciary](#)
[Find case law \(nationalarchives.gov.uk\)](#)
[British and Irish Legal Information Institute \(bailii.org\)](#)

Photographs of judges:

Avalon (photo agency) on 020 7421 6000
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