



HM Courts &
Tribunals Service

Guidance to staff on supporting media access to courts and tribunals



Justice matters

In partnership with:



Introduction to this guidance

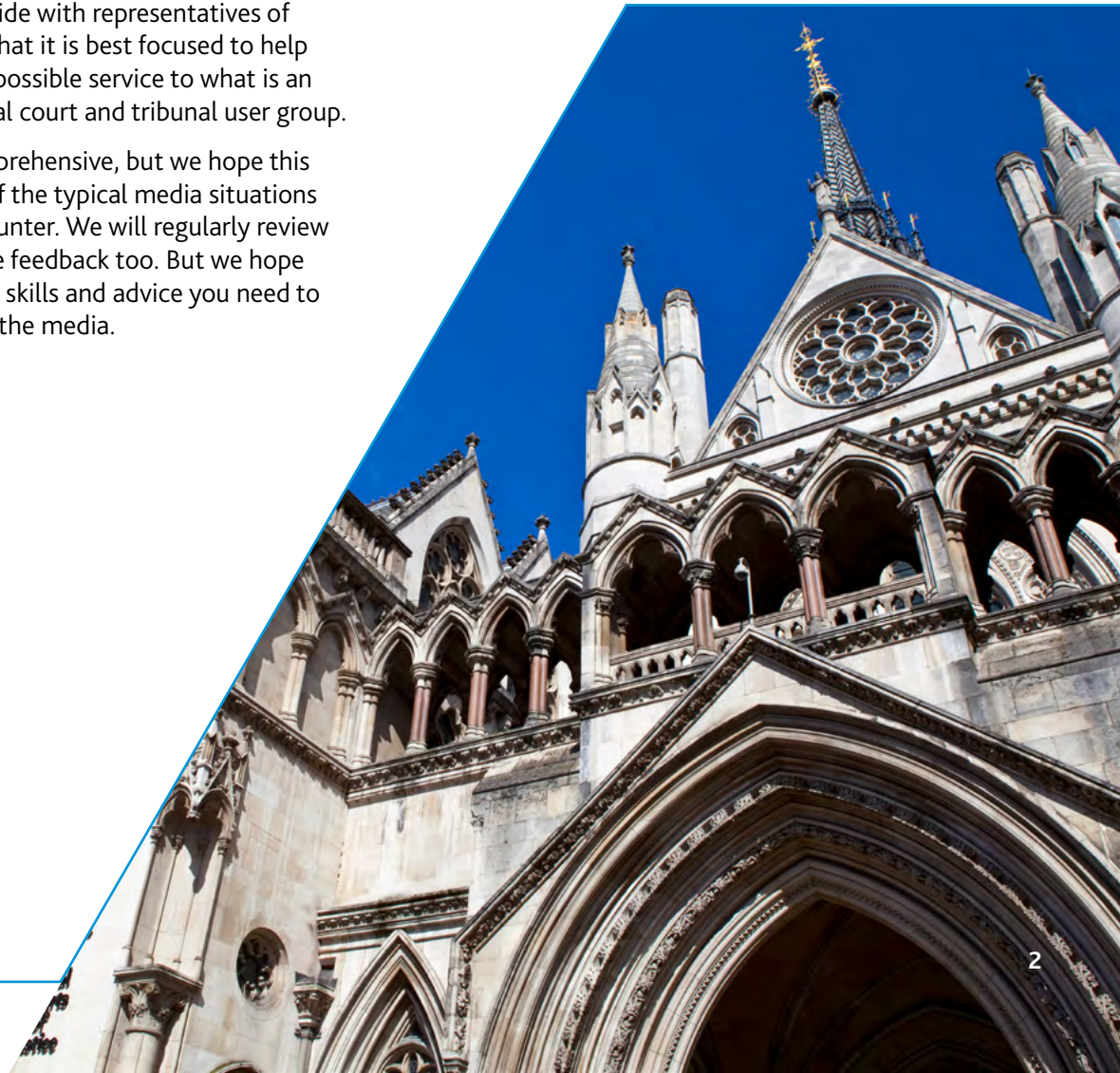
The principle of open justice is a longstanding feature of our legal system. The public has a right to know what happens in our courts and tribunals, and public confidence in the justice system relies on transparency.

One way this important principle is upheld is the attendance and reporting of proceedings by the media. It is through the media that many people hear about the operation of the justice system and form views on it.

So, we in HM Courts & Tribunals Service (HMCTS), have a clear interest and obligation to encourage and facilitate media access to our courts and tribunals, and this guide is designed to help you do that.

We developed this guide with representatives of the media to ensure that it is best focused to help you provide the best possible service to what is an important professional court and tribunal user group.

No guide can be comprehensive, but we hope this one will cover most of the typical media situations you are likely to encounter. We will regularly review it and would welcome feedback too. But we hope it equips you with the skills and advice you need to work effectively with the media.



Foreword from Tristan Kirk, Courts Correspondent, London Evening Standard

As a specialist courts reporter since 2012, at first for a news agency and then joining the London Evening Standard in 2016, I spend every day in and out of London's civil courts, tribunals, and criminal trials. I have experienced the ups and downs of daily interaction with a wide range of courts, and am acutely aware of different problems that can arise.

Journalists up and down the country need timely access to vital pieces of information held by the courts, and they primarily rely on clerks, ushers, and other staff members to give it to them. I know we can be a demanding profession at times and many courts and staff are nothing but helpful and constructive.

But we do get frustrated when unwanted and unnecessary obstacles are put in our path, preventing us from doing our jobs. Conversely, ill-informed enquiries from journalists who are unfamiliar with the courts can make the work of court staff even harder. So, I hope these renewed HMCTS guidelines can lead to a smoother and more symbiotic relationship for journalists and court staff alike.

It is our job in the media to root out the newsworthy cases, and to report on them fairly, accurately, and responsibly. In doing so, I believe we carry out an important public function as important to the good workings of the justice system as judges, barristers and others. But we need good working relationships with court staff to ensure we can do so, and I hope these refreshed media guidelines help do that.



Who are the media?

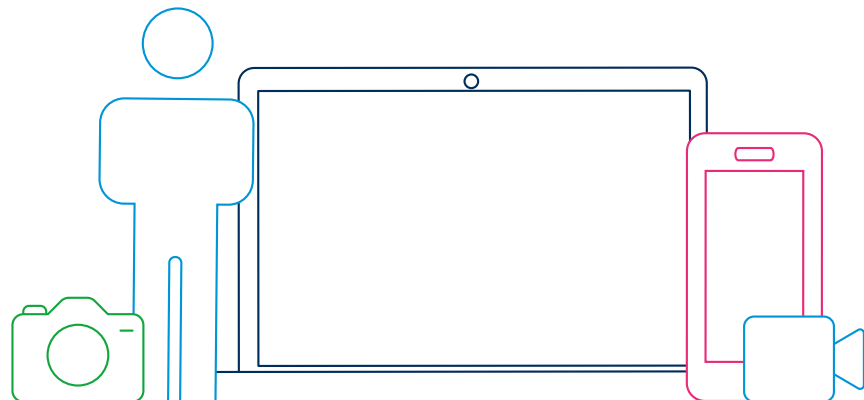
Journalists come in all shapes and sizes. Some work for newspapers, national, regional or local, others work for broadcast media such as radio and TV. Others work for press agencies like the Press Association which provide stories to established media organisations.

An increasing number of journalists now represent fully online news platforms while some are freelance and either publish stories themselves or provide them to others.

Most journalists covering court and tribunal hearings will have had training in media law as part of wider professional qualifications and so should be familiar with legal issues relating to reporting proceedings.

The law sets out clearly what can and cannot be published in respect of criminal and other proceedings and it is newspapers and other media organisations themselves, not HMCTS, that carry the legal obligation to make sure that these are met.

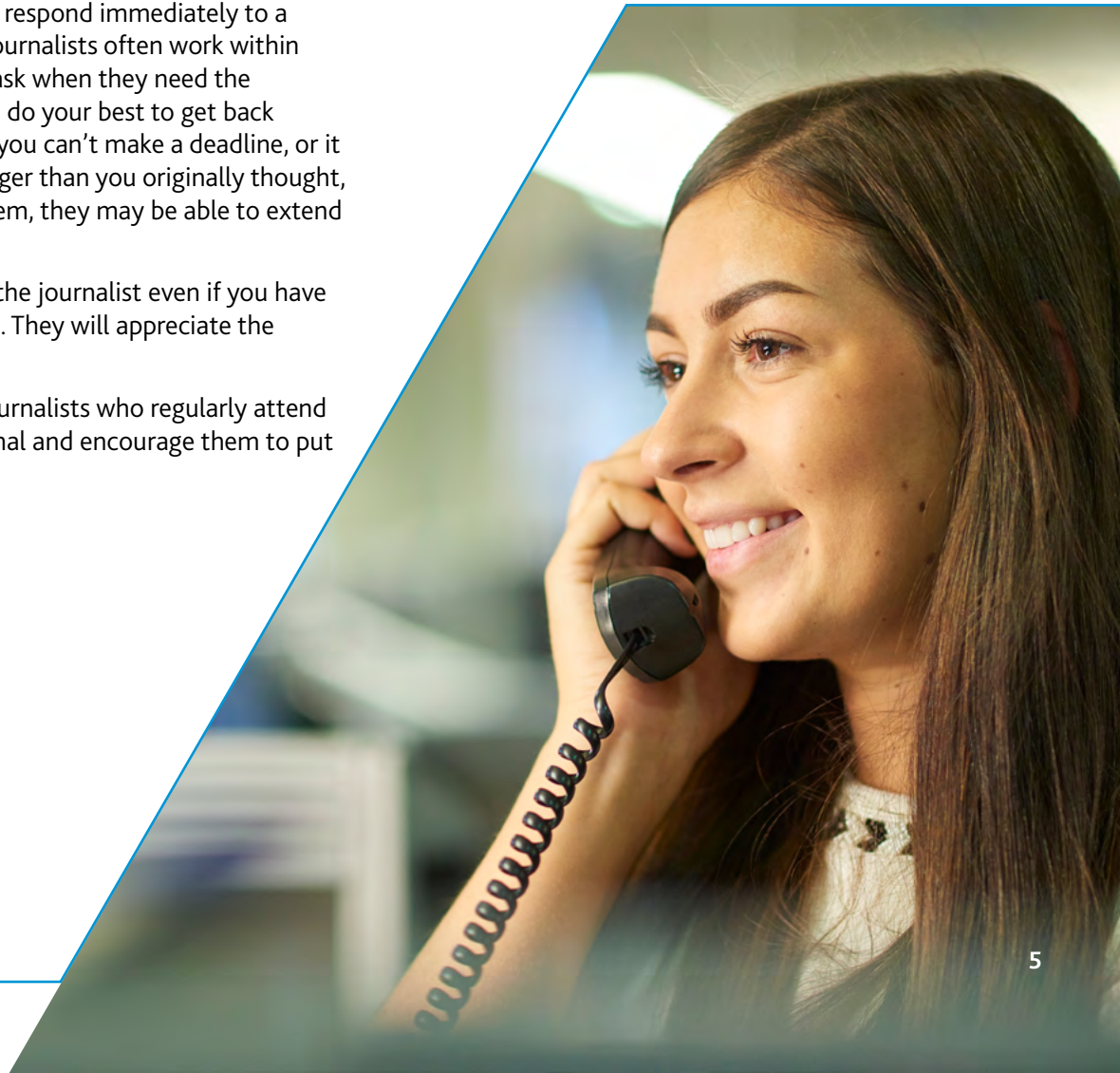
Our job in HMCTS is to facilitate and support the media attending proceedings, and to provide relevant information asked for by journalists (following the guidelines set out in this document). Sometimes these requests are made under the pressure of production deadlines, and we should recognise this.



General dos and do nots

Usually, journalists prefer to deal with local court or tribunal staff who can answer their queries quickly. Each situation will be different but here are some general tips to help create productive relationships between you and the media:

- Do give journalists details of any reporting restrictions, and all relevant information they are entitled to.
- The media are entitled to the full name of judges and magistrates (and their Legal Adviser) but no further personal details in every jurisdiction. If you do not know or do not have access to the name of a judge (such as a fee paid judge), ask the journalist to contact Judicial Office Press Office on 020 7073 4852.
- If you are unable to give out information avoid saying “no” or “no comment” without giving a reason. For example, if a journalist asks about spent convictions or a defendant’s criminal record or if the court does not hold the information, **always explain why you are not able to give it out.**
- You do not have to respond immediately to a media query. But journalists often work within tight deadlines so ask when they need the information by and do your best to get back within this time. If you can’t make a deadline, or it is going to take longer than you originally thought, go back and tell them, they may be able to extend the deadline.
- Always go back to the journalist even if you have to disappoint them. They will appreciate the courtesy.
- Get to know the journalists who regularly attend your court or tribunal and encourage them to put questions to you.



Handling routine media enquiries

Routine enquiries are most often of a factual nature – for example, confirmation of case listings, opening times, etc.

Make sure you:

- take full details about the caller – name, number and where they are from
- understand exactly what they are looking for – don't be afraid to ask them to clarify if you are unsure
- find out their deadline
- keep a note of how the query was handled including what you said and when – this will come in useful if there are any queries.

Media access to courtrooms and press seats

The media should be given seats in court during a trial. The media are entitled by law to hear and be present at all open court proceedings (including those with reporting restrictions in place). They should not be forced to cover the trial from the public gallery – individual reporters may be at risk of intimidation from friends or relatives to parties in the case.

If in some cases there is a high demand for media seats, using some seats in the public gallery for the press is an option you can consider. The media can make notes in the public gallery.

The media are entitled by law to hear and be present at all open court proceedings (including those with reporting restrictions in place).

Where press seats are available, they should be reserved for media use only. Where possible, a dedicated press area or room should be made available for use by the media

Note-taking in the public gallery

The general rule is that justice is administered in open court where anyone present may listen to and report what is said. You should not object to note-taking in the public gallery unless it is for an improper purpose (such as briefing a witness who is yet to give evidence but has been kept out of court).

If you see a member of the public taking notes and there is some reason to suspect it might be for an improper purpose, you should report it to the clerk of the court (or to the judge, if the clerk is not available) and ask for directions.

Text-based communications from court

Unlike the public, the media representatives do not need to apply to use text-based devices to communicate from court, this includes using Twitter and social media, texting and emailing and using internet-enabled laptops. Use of devices should not cause a disturbance or distraction. The judge always retains full discretion to prohibit live, text based communications from court, in the interests of justice.

Anyone using electronic text is strictly bound by the existing restrictions on reporting court proceedings, under the Contempt of Court Act 1981.

While mobile phones and other text-based communication devices are permitted to be used in court, they must not be used to take photographs or to film any part of proceedings in any area of the court or tribunal building.



Student journalists do need to make an application to the court if they want to use text-based devices to communicate from court. If you receive a request from a student journalist, please speak to the judge presiding over the case or trial.

While mobile phones and other text-based communication devices are permitted to be used in court, they must not be used to take photographs or to film any part of proceedings in any area of the court or tribunal building.

Recordings, photography and filming

Unauthorised tape recording of proceedings in court is a contempt of court (although courts may at their discretion permit journalists to record proceedings in court as an aide memoire). Photography and filming in courts and tribunals is strictly forbidden, as is making a portrait or sketch of any person in court. It is also not permitted to photograph, film or sketch people in the court precincts.

Since July 2013, officially contracted broadcasters are permitted to record and broadcast certain proceedings in the Court of Appeal. In May 2016, this was extended to sentencing remarks in particular Crown Courts.

Identification, accreditation and access to courtrooms

You can ask a journalist to provide identification if they wish to use press seats (if your court or tribunal has a seating area for the press), particularly if you haven't seen them before. Many journalists carry a UK press pass; but they may not have one and are not required to do so. If you have concerns about a journalist's credentials, you should ask them to provide contact details for their editor to confirm identity.

Journalists are trained professionals and understand the laws relating to what can and cannot be published. They usually work for an accredited news agency or publication and have experience working as a court reporter and are therefore familiar with the rules regarding the publication of proceedings. Journalists also have access to the advice of their editor or a trained media lawyer to ensure the information they are publishing about a court case is factual, accurate and can be reported.

Members of the public (including those identifying themselves as bloggers etc) may be unaware of legal issues relating to court reporting and could find themselves in contempt of court if they use social media to report information heard in open court. Again, it is not for you to 'police' this but if you have any concerns about members of the public, speak to your manager for advice.



Reporting restrictions

The principle of open justice means that, in general, court proceedings should be open to anyone who wants to observe, and journalists may report those proceedings to the wider public. There are certain exceptions to this principle including:

Private hearings and trials – where, in exceptional circumstances, a court has the power to exclude the public and media from all or part of criminal proceedings where doing so is necessary to prevent the administration of justice from being frustrated or rendered impractical (e.g. to protect interest of national security);

Automatic reporting restrictions – where, legislation has created exceptions to the open justice principle such as lifelong anonymity for victims of sexual offences, forced marriages and human trafficking offences. These are in addition to the media's own responsibility for compliance with the Contempt of Court Act 1981 (which includes specific defences to enable fair, accurate, contemporaneous court reports and discussion of public affairs or other matters of general public interest).

Discretionary reporting restrictions – where courts are able to impose particular restrictions established by statute or case law such as to protect under 18s in criminal proceedings outside the Youth Court or (under Section 11 of the Contempt of Court Act 1981) to allow the name or other matter to be withheld from the public in court proceedings and prohibit its publication.

The media should be given advance notification of any application for reporting restrictions and an opportunity to make representations about discretionary reporting restrictions. Orders should be put in writing as soon as possible and the media should be put on notice as to the existence and terms of the order.

Court lists and registers

Magistrates' court lists and court registers should be made available to the media on request and free of charge. At a minimum, the lists should contain each defendant's name, age, address and, where known, his profession and the alleged offence. Courts will not breach Data Protection legislation by providing the media with such information.

Crown Court lists may be accessed at www.courtserve.net/homepage.htm.

Student journalists

Student journalists will often attend court proceedings as part of their training and they do not need permission from the court or judge to take notes. However, in sensitive cases (such as organised crime), it will help the judge and staff to avoid any misunderstanding if they identify themselves to court security or staff to explain why they will be taking notes.

Student journalists do need to make an application to the court if they want to use text-based devices to communicate from court. If you receive a request from a student journalist, please speak to the judge presiding over the case or trial.

Student journalists are not entitled to sit in press seats and should sit in the public gallery. Where possible, if a lecturer wants to attend court with students (particularly a large group) to observe a case or trial, it is good practice (but not mandatory) to let the court know in advance.

The media should be invited to make representations to the judge or magistrate before an application to impose reporting restrictions and the court should hear media applications for the variation or lifting of reporting restrictions already in place.

When to contact the Press Office

The HMCTS Press Office function is carried out by the MoJ press office. You should refer journalists to the press office if you receive a media enquiry not related to your court's proceedings.

The press office do not give out factual information on individual cases so, if you need guidance on a particular media enquiry refer it to your manager not to the press office.

If there is an incident or issue in court unrelated to a particular case that results in media enquiries, please notify the press office as soon as possible.

Incidents will not always take place during working hours. The media can and will react 24 hours a day to serious incidents, and may well reach the court before you do. Get Press Office advice at an early stage. MoJ Press Office operates an out-of-hours service for HMCTS.

During office hours, contact MoJ press office on 020 3334 4872

For all out of hours activity, contact MoJ press office 020 3334 3536

Judicial Press Office

The Judicial Press Office helps judges and magistrates with media advice such as interview bids, the correct representation of cases and issuing judgments to the media. Where the judge or magistrate is the focus of media interest rather than a case or a court, then the media should be referred to Judicial Press Office. The Judicial Press Office is part of the Judicial Office and is independent of HMCTS and the MoJ.

The Judicial Press Office 24-hour contact is 020 7073 4852

High profile trials and hearings

High profile cases in the High Court, Crown and County Courts and Court of Appeal normally provide time to plan the media handling and decide if there is a need to issue tickets for seats or have a media annex. In magistrates' courts defendants often appear so quickly that there is little time to make such arrangements.

Magistrates' courts, however, should be prepared to get an influx of media interest at short notice and have contingency plans. Know how many seats you have for the press and try to allocate seats as fairly as possible, limit the number per organisation and make sure your local media get in. Talk to the press office before the day for more advice.

If you are faced with a high-profile trial in your court you will need to assess the potential media demand in advance. Consider:

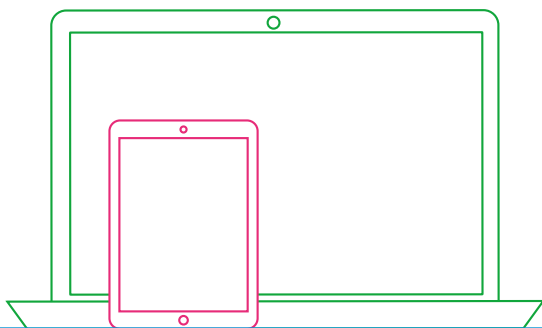
- level of media interest and how many calls you have had – keep a note of who has shown interest
- talk to regular journalists to see how big they feel the story will be.

You should keep your Delivery Director's office and the judge informed.

Contact the MoJ press office as early as possible. In consultation with them, you

will need to consider the following logistical issues:

- size, capacity and layout of the court
- media facilities inside and outside the court
- court seating plan and how many extra press seats you can provide
- whether there will be reporting restrictions and arrangements for media applications opposing the imposition of reporting restrictions or for variation and lifting of orders, as well as for prompt drawing up and provision of written orders if made
- whether to issue an operational note to invite applications for seats, explain procedures and allocate press seats by ticket.



Allocating press seats by ticket

Moj press office can issue an operational note to the media inviting them to apply for seats in court. They will allocate seats and tell the media. The note will be sent to both national and local media.

The note sets out:

- time, date and location of the hearing or trial
- details of the names of defendants (parties in civil cases) and charges
- details of the judge
- reporting restrictions
- how long the case is expected to last
- how many seats are available
- restrictions on using electronic equipment
- how journalists should prove their accreditation
- how to apply for seats.

A template can be found at:

<https://intranet.justice.gov.uk/documents/2017/04/media-guidance-high-profile-template.doc>

Where possible, press office should be notified at least a month in advance if a court needs assistance with ticketing a case.

Media seating in court

Consider how many press seats are normally available in the courtroom and if necessary how many extra press seats could be put in.

Matching media demand for seats is a sensitive issue and will vary from case to case depending on the number of seats available. Press office will work closely with the court to allocate seats as fairly as possible. Local media who cover the court on a regular basis should be considered first.

Press office will provide a template ticket for courts. Tickets are usually issued on the first day of the trial. They are for an organisation rather than a particular journalist so that other reporters from the same media can use the ticket. Make time to record details of who is signing for the ticket and to check their identification.

Media annex

In some cases where there is high media interest, seating can be increased by setting up a media annex with an audio or video link to the courtroom if there is suitable space at the courthouse and there is funding available to set up the links. Installing cameras and microphones with feeds to screens in the annex can be expensive. Technical experts will also need to be on hand to fix any problems. Permission must be sought from your Delivery Director and the judge.

There are advantages to having a separate media annex. Some journalists prefer the freedom to enter and leave the annex to file stories and the freedom to use laptops - which may be used by in annexes as long as recording facilities are turned off.

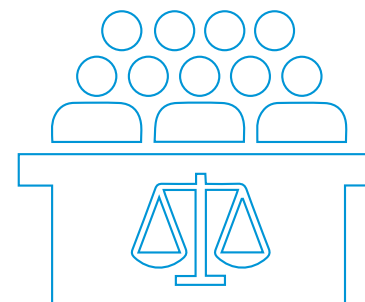
Where a media annex is set up, make sure that visual and audio signals are separately controlled and that the screen shows the judge, witness, dock and barristers simultaneously. The media in the annex will need to be told if the jury is in or out as this will affect what they can and cannot report (especially if they are live blogging). For example, they will not be able to report any legal argument made in the absence of the jury.

The annex should always be supervised by court staff.

Press office can put you in touch with courts who have recently used annexes to give you practical advice.

Managing the media outside the court

The local police are responsible for space outside the court 'precinct'. This, however, is where camera crews and photographers will be positioned. You may need to liaise with local police to plan and manage media presence outside the court building.



Managing media requests

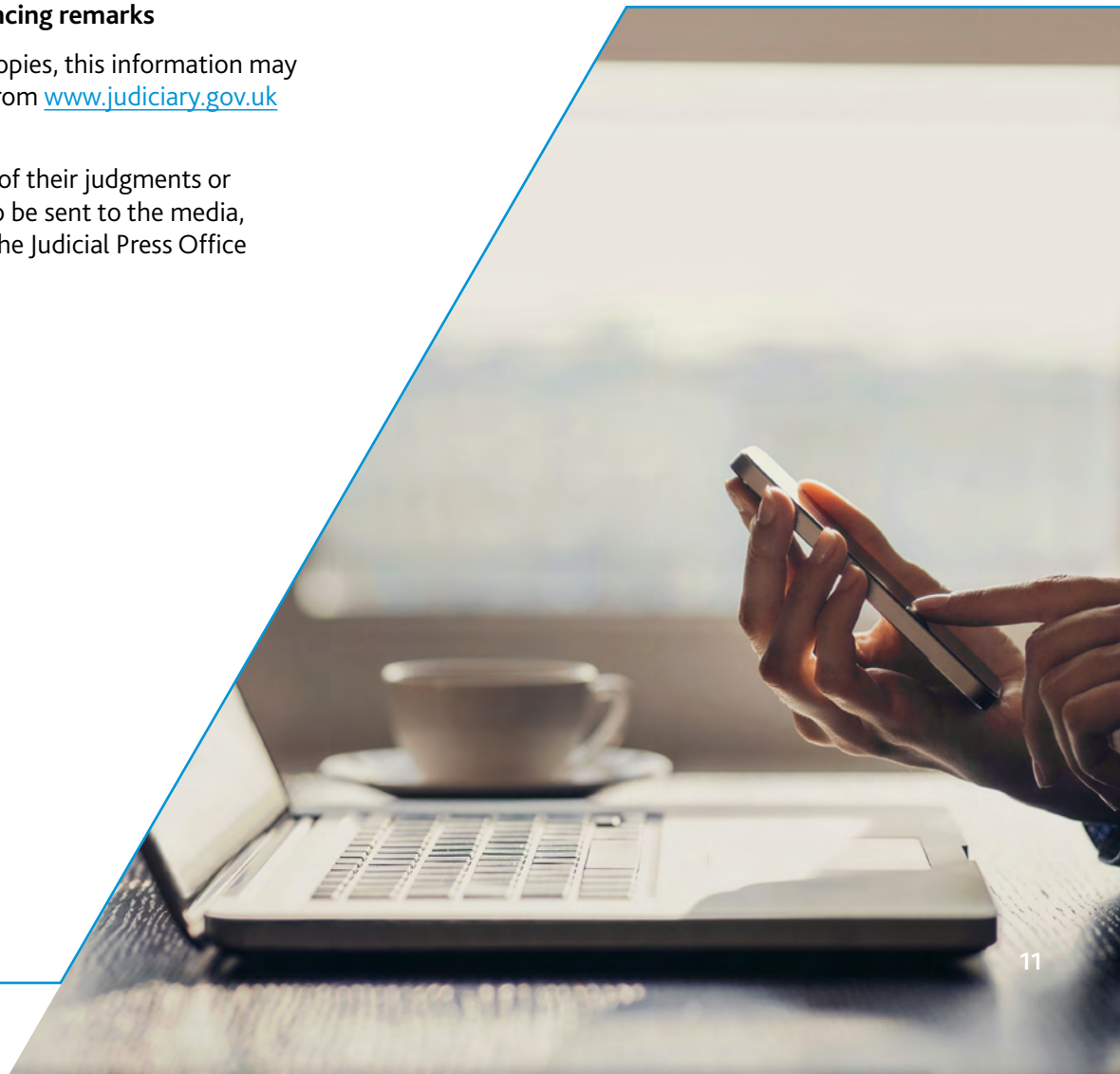
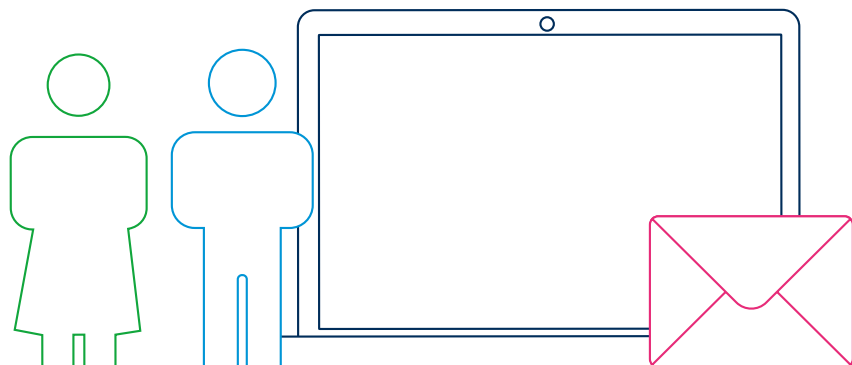
Photos of judges

Requests from journalists for photographs of judges should be made to Photoshot (photo agency) on 020 7421 6000. Further information can be found on the Photoshot website www.photoshot.com. Please be aware that there is cost (to the requestor, not HMCTS) for this service.

Judgments or sentencing remarks

If journalists ask for copies, this information may already be available from www.judiciary.gov.uk or www.bailii.org.

If judges want copies of their judgments or sentencing remarks to be sent to the media, they should contact the Judicial Press Office (020 7073 4852).



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Annexes

[Jurisdictional guidance to support media access to courts and tribunals – Criminal courts guide](#)

[Jurisdictional guidance to support media access to courts and tribunals – Civil courts guide](#)

[Jurisdictional guidance to support media access to courts and tribunals – Family courts guide](#)

[Jurisdictional guidance to support media access to courts and tribunals – Tribunals guide](#)

