

Crime and Courts Bill

Fact Sheet: Enabling the making, and use, of films and other recordings of proceedings.

1. Clause 28 of the Bill gives the Lord Chancellor the power, with the agreement of the Lord Chief Justice, to allow broadcasting of selected court or tribunal proceedings through secondary legislation. The secondary legislation would set out the specific circumstances in which broadcasting will be allowed. It would limit broadcasting of judicial proceedings to certain circumstances such as:

- the court or tribunal in which filming would be allowed;
- who would be allowed to film; and
- the participants who would be allowed to be filmed.

What is the current position?

2. Broadcasting from the court is currently prohibited under section 41 of the Criminal Justice Act 1925, which covers photography, including film or video, in courts, and section 9 of the Contempt of Court Act 1981 which covers the broadcast of sound recordings made in court.

3. Section 47 of the Constitutional Reform Act 2005 disapplied these restrictions to the Supreme Court, thereby in effect preserving the arrangements for broadcasting which had existed in the House of Lords prior to the establishment of the Supreme Court. Proceedings of the Supreme Court are routinely filmed, recorded and broadcast, and are streamed live on the Sky News website (<http://new.sky.com/home/supreme-court>)

4. Most courts are open to the public and journalists are already able to be present in and report from court, subject to reporting restrictions. The current restrictions on photography and sound recording in courts are a product of the pre-digital age and do not reflect changes in the way people access information since 1925.

What are the proposed changes?

5. The Lord Chancellor and Secretary of State for Justice announced on 6th September 2011 that the Government planned to legislate to allow broadcasting from courts, in limited circumstances and with certain safeguards. The court will have the discretion to stop filming, or refuse to allow the broadcast of recorded footage, where it would interfere with the proper administration of justice or would cause undue prejudice to any person involved in the proceedings.

6. There will be no filming of victims, witnesses, defendants or jurors. The Government proposes initially to allow judgments and advocates' arguments in the Court of Appeal to be broadcast, with the intention of this being

extended to cover sentencing remarks in the Crown Court in due course, subject to further consultation with the Judiciary.

7. The Government is committed to improving transparency and public understanding of the courts system, and allowing broadcasting from court is part of this work. Television has a role in opening up the courts to the public, demystifying the criminal justice process and increasing understanding of sentencing.

8. The technical and operational issues around court broadcasting will be set out within guidelines or a protocol issued by the judiciary, and governed by a contract between the broadcasters and Her Majesty's Courts and Tribunals Service on behalf of the Lord Chancellor. Such issues would include the procedures for operating cameras, the process by which a judge might suspend filming or refuse permission to broadcast footage, and limitations on positioning of cameras and camera angles. Use of the footage will be restricted to news, current affairs and educational purposes only, so that it is not used in light entertainment, satirical programmes, advertising or promotion. Similar agreements are already in place governing broadcasting of the proceedings of the Supreme Court and Parliament.

9. All costs from broadcasting in courts – including installation of the technical equipment and ongoing maintenance – will be funded by the broadcasters.

**Ministry of Justice
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