Draft Order laid before Parliament under section 58(4) of the Crime and Courts Act 2013, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

SENIOR COURTS, ENGLAND AND WALES

The Court of Appeal (Recording and Broadcasting) Order 2013

Made - - - - ***

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order under section 32(1) of the Crime and Courts Act 2013(**1**).

In accordance with section 32(1) of that Act, the Lord Chief Justice concurs in the making of this Order.

In accordance with section 58(4) of that Act, a draft of this Order was laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Court of Appeal (Recording and Broadcasting) Order 2013 and comes into force on the day after the day on which it is made.

Definitions

2. In this Order—

"broadcast" means the transmission to members of the public of a recording of a hearing of the court;

"court" means the Court of Appeal;

"recording" means a visual or sound recording on any medium from which a single image, a moving image or any sound may be produced or reproduced, or the making of any such recording, and "record" and "recorded" shall be construed accordingly; and

"legal representative" means a representative who is an authorised person entitled to exercise a right of audience before the court within the meaning of Part 2 of the Legal Services Act 2007(**2**) and who is acting on behalf of a party to the proceedings to which a hearing relates.

(**1**) 2013 c. 22.
(**2**) 2007 c. 29.

Court of Appeal

3. This Order applies to the recording and broadcasting of hearings in the Court of Appeal, in open court and before a full court.

Recording and broadcasting court hearings

4. Section 41 of the Criminal Justice Act 1925(**3**) and section 9 of the Contempt of Court Act 1981(**4**) do not apply where a hearing is—

(a) recorded in accordance with the conditions in articles 5 to 7; or

(b) broadcast in accordance with the conditions in articles 8 to 11.

Recording

5. Recording is only of—

(a) an appeal, other than an appeal under section 12, 15 and 16A of the Criminal Appeal Act 1968(**5**) or from a decision in family proceedings as defined in section 73(5) of the Courts Act 2003(**6**);

(b) an Attorney General's reference under section 36 of the Criminal Justice Act 1988(**7**);

(c) an application by a prosecutor under Part 10 of the Criminal Justice Act 2003(**8**);

(d) an application for permission to appeal or refer, other than an application for permission to appeal under section 12, 15 and 16A of the Criminal Appeal Act 1968 or from a decision made in family proceedings.

6.—(1) Subject to paragraph (2), recording is only of—

(a) submissions of a legal representative;

(b) exchanges between a legal representative and the court;

(c) the court giving judgment.

(2) In a hearing where any party is not legally represented, recording is only of the court giving judgment.

7. Recording is by a person who—

(a) is permitted in writing by the Lord Chancellor to record hearings in court; and

(b) assigns any copyright in the recording of a hearing to the Lord Chancellor, for and on behalf of the Crown.

Broadcast

8. Only recordings made in accordance with articles 5 to 7 are broadcast.

9.—(1) Subject to paragraph (2), in a criminal conviction appeal, an application for permission to appeal against conviction or an application by a prosecutor under Part 10 of the Criminal Justice Act 2003, any recording of a hearing must not be broadcast unless or until the court gives permission to do so.

(**3**) 1925 c. 86. Section 41 was amended by section 56(4) and Schedule 11 to the Courts Act 1971 (c. 23), ss 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48) and by section 47(1) of the Constitutional Reform Act 2005 (c. 4).
(**4**) 1981 c. 49.
(**5**) 1968 c. 19.
(**6**) 2003 c. 39.
(**7**) 1988 c. 33.
(**8**) 2003 c. 44.