



Crime and Disorder Act 1998

1998 CHAPTER 37

PART III

CRIMINAL JUSTICE SYSTEM

Functions of courts etc.

[^{F1}52A Restrictions on reporting

- (1) Except as provided by this section, it shall not be lawful—
 - (a) to publish in the United Kingdom a written report of any allocation or sending proceedings in England and Wales; or
 - (b) to include in a relevant programme for reception in the United Kingdom a report of any such proceedings,if (in either case) the report contains any matter other than that permitted by this section.
- (2) Subject to subsections (3) and (4) below, a magistrates' court may, with reference to any allocation or sending proceedings, order that subsection (1) above shall not apply to reports of those proceedings.
- (3) Where there is only one accused and he objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.
- (4) Where in the case of two or more accused one of them objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.
- (5) An order under subsection (2) above shall not apply to reports of proceedings under subsection (3) or (4) above, but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by subsection (6) below.

Status: Point in time view as at 22/04/2014. This version of this provision has been superseded.

Changes to legislation: Crime and Disorder Act 1998, Section 52A is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) It shall not be unlawful under this section to publish or include in a relevant programme a report of allocation or sending proceedings containing any matter other than that permitted by subsection (7) below—
- (a) where, in relation to the accused (or all of them, if there are more than one), the magistrates' court is required to proceed as mentioned in section 20(7) of the 1980 Act, after the court is so required;
 - (b) where, in relation to the accused (or any of them, if there are more than one), the court proceeds other than as mentioned there, after conclusion of his trial or, as the case may be, the trial of the last to be tried.
- (7) The following matters may be contained in a report of allocation or sending proceedings published or included in a relevant programme without an order under subsection (2) above before the time authorised by subsection (6) above—
- (a) the identity of the court and the name of the justice or justices;
 - (b) the name, age, home address and occupation of the accused;
 - (c) in the case of an accused charged with an offence in respect of which notice has been given to the court under section 51B above, any relevant business information;
 - (d) the offence or offences, or a summary of them, with which the accused is or are charged;
 - (e) the names of counsel and solicitors engaged in the proceedings;
 - (f) where the proceedings are adjourned, the date and place to which they are adjourned;
 - (g) the arrangements as to bail;
 - [^{F2}(h) whether, for the purposes of the proceedings, representation was provided to the accused or any of the accused under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]
- (8) The addresses that may be published or included in a relevant programme under subsection (7) above are addresses—
- (a) at any relevant time; and
 - (b) at the time of their publication or inclusion in a relevant programme.
- (9) The following is relevant business information for the purposes of subsection (7) above—
- (a) any address used by the accused for carrying on a business on his own account;
 - (b) the name of any business which he was carrying on on his own account at any relevant time;
 - (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
 - (d) the address of any such firm;
 - (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
 - (f) the address of the registered or principal office of any such company;
 - (g) any working address of the accused in his capacity as a person engaged by any such company;

and here “engaged” means engaged under a contract of service or a contract for services.

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(10) Subsection (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports of court proceedings.

(11) In this section—

“allocation or sending proceedings” means, in relation to an information charging an indictable offence—

(a) any proceedings in the magistrates' court at which matters are considered under any of the following provisions—

(i) sections 19 to 23 of the 1980 Act;

(ii) section 51, 51A or 52 above;

(b) any proceedings in the magistrates' court before the court proceeds to consider any matter mentioned in paragraph (a) above; and

(c) any proceedings in the magistrates' court at which an application under section 25(2) of the 1980 Act is considered;

“publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

“relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990);

“relevant time” means a time when events giving rise to the charges to which the proceedings relate occurred.]

Textual Amendments

- F1** Ss. 52A, 52B inserted (18.6.2012 for E.W.S. except for the insertion of s. 52B(4)) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 3 para. 19(1)**; S.I. 2012/1320, art. 3(d)(iii)
- F2** S. 52A(7)(h) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 49**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

Status:

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