
STATUTORY INSTRUMENTS

2012 No. 1726

The Criminal Procedure Rules 2012

PART 16

REPORTING, ETC. RESTRICTIONS

SECTION 3: SOUND RECORDING AND ELECTRONIC COMMUNICATION

Forfeiture of unauthorised sound recording

- 16.10.**—(1) This rule applies where someone without the court’s permission—
- (a) uses a device for recording sound during a hearing; or
 - (b) publishes a sound recording made during a hearing.
- (2) The court may exercise its power to forfeit the device or recording—
- (a) on application by a party, or on its own initiative;
 - (b) provisionally, despite rule 16.2(3), to allow time for representations.
- (3) A party who wants the court to forfeit a device or recording must—
- (a) apply as soon as reasonably practicable;
 - (b) notify—
 - (i) as appropriate, the person who used the device, or who published the recording, and
 - (ii) each other party; and
 - (c) explain why the court should exercise that power.

[Note. Under section 9(3) of the Contempt of Court Act 1981(1), the court can forfeit any device or recording used or made in contravention of section 9(1) of the Act.]