
STATUTORY INSTRUMENTS

2014 No. 1610

The Criminal Procedure Rules 2014

PART 16

REPORTING, ETC. RESTRICTIONS

SECTION 3: SOUND RECORDING AND ELECTRONIC COMMUNICATION

Sound recording and electronic communication

- 16.9.**—(1) This rule applies where the court can give permission to—
- (a) bring into a hearing for use, or use during a hearing, a device for—
 - (i) recording sound, or
 - (ii) communicating by electronic means; or
 - (b) publish a sound recording made during a hearing.
- (2) The court may give such permission—
- (a) on application; or
 - (b) on its own initiative.
- (3) A person who wants the court to give such permission must—
- (a) apply as soon as reasonably practicable;
 - (b) notify—
 - (i) each party, and
 - (ii) such other person (if any) as the court directs; and
 - (c) explain why the court should permit the use or publication proposed.
- (4) As a condition of the applicant using such a device, the court may direct arrangements to minimise the risk of its use—
- (a) contravening a reporting restriction;
 - (b) disrupting the hearing; or
 - (c) compromising the fairness of the hearing, for example by affecting—
 - (i) the evidence to be given by a witness, or
 - (ii) the verdict of a jury.
- (5) Such a direction may require that the device is used only—
- (a) in a specified part of the courtroom;
 - (b) for a specified purpose;
 - (c) for a purpose connected with the applicant's activity as a member of a specified group, for example representatives of news-gathering or reporting organisations;

- (d) at a specified time, or in a specified way.

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.]