
STATUTORY INSTRUMENTS

2020 No. 801

COMPETITION

**The Competition Appeal Tribunal (Coronavirus)
(Recording and Broadcasting) Order 2020**

Made - - - - 23rd July 2020

Coming into force - - 24th July 2020

The Lord Chancellor, with the concurrence of the Lord Chief Justice, makes the following Order under section 32(1) of the Crime and Courts Act 2013(1).

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 Competition Appeal Tribunal (Coronavirus) (Recording and Broadcasting) Order 2020 and comes into force on the day after the day on which it is made.

Commencement Information

II Art. 1 in force at 24.7.2020, see [art. 1](#)

Definitions

2. In this Order—

“broadcast” means the transmission to members of the public of a recording of proceedings of the Tribunal;

“chairman” has the meaning given in Rule 2(1) of the Rules;

“President” has the meaning given in Rule 2(1) of the Rules;

“proceedings” means a hearing before the Tribunal conducted in accordance with the Rules;

“recording” includes 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;

Status: Point in time view as at 24/07/2020.

Changes to legislation: There are currently no known outstanding effects for the The Competition Appeal Tribunal (Coronavirus) (Recording and Broadcasting) Order 2020. (See end of Document for details)

“representative” means a person within Rule 8(1)(a) or (b) of the Rules who represents a party in proceedings;

“Registrar” has the meaning given in Rule 2(1) of the Rules;

“Rules” means the Competition Appeal Tribunal Rules 2015(2); and

“Tribunal” means the Competition Appeal Tribunal established by section 12 of the Enterprise Act 2002(3) however constituted in accordance with section 14 of that Act.

Commencement Information

I2 Art. 2 in force at 24.7.2020, see [art. 1](#)

The Tribunal

3. This Order applies to the recording of and broadcast of proceedings in England and Wales.

Commencement Information

I3 Art. 3 in force at 24.7.2020, see [art. 1](#)

Recording and broadcasting proceedings

4. Section 41 of the Criminal Justice Act 1925(4) and section 9 of the Contempt of Court Act 1981(5) do not apply where proceedings are—

- (a) recorded in accordance with the conditions in articles 5 to 7; or
- (b) broadcast in accordance with the condition in article 8.

Commencement Information

I4 Art. 4 in force at 24.7.2020, see [art. 1](#)

Recording

5. Recording is only permitted by a person who—

- (a) is permitted in writing by the President or Registrar of the Tribunal to record proceedings; and
- (b) assigns copyright in the recording of proceedings to the Registrar on behalf of the Tribunal.

6. Recording is only of—

- (a) submissions of a representative;
- (b) exchanges between a representative and the Tribunal;
- (c) exchanges between a representative or the Tribunal and a witness of fact or expert witness; and

(2) [S.I. 2015/1648](#).

(3) [2002 c.40](#). Section 12 was amended by section 82(1) of the Consumer Rights Act [2015 c.15](#).

(4) [1925 c.86](#). Section 41 was amended by section 56(4) of and Part 4 of Schedule 11 of the Courts Act [1971 \(c.23\)](#), ss37, 38 and 46 of the Criminal Justice Act [1982 \(c.48\)](#) and by section 47(1) of the Constitutional Reform Act [2005 \(c.4\)](#).

(5) [1981 c.49](#).

(d) the Tribunal giving an order, direction or decision, including interim decisions or interim orders.

7. Recording of proceedings is only with the permission of the chairman, which permission may be limited to part of parts of the proceedings.

Commencement Information

I5 Art. 5 in force at 24.7.2020, see [art. 1](#)

I6 Art. 6 in force at 24.7.2020, see [art. 1](#)

I7 Art. 7 in force at 24.7.2020, see [art. 1](#)

Broadcast

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

Commencement Information

I8 Art. 8 in force at 24.7.2020, see [art. 1](#)

Expiry

9. This Order expires at the end of 25th March 2022.

Commencement Information

I9 Art. 9 in force at 24.7.2020, see [art. 1](#)

Chris Philp
Parliamentary Under Secretary of State
Ministry of Justice

I concur

Burnett of Maldon
Lord Chief Justice

Status: Point in time view as at 24/07/2020.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the conditions to be satisfied for the recording and broadcast of proceedings in the Competition Appeal Tribunal. Where the conditions are satisfied, section 41 of the Criminal Justice Act 1925 (“the 1925 Act”) and section 9 of the Contempt of Court Act 1981 (“the 1981 Act”) do not have effect. Section 41 of the 1925 Act makes it an offence to film in court. Section 9 of the 1981 Act provides that it is a contempt of court to record sound in court except with the permission of the court.

Article 3 sets out that the Order applies to all proceedings which take place in the Competition Appeal Tribunal in England and Wales. Article 4 sets out that section 41 of the 1925 Act and section 9 of the 1981 Act do not apply where the conditions of the Order have been satisfied.

Articles 5 to 7 sets out what part of the proceedings may be recorded and who can record proceedings.

Article 8 sets out when the recording of a proceeding can be broadcast.

Article 9 provides that the Order expires at the end of 25th March 2022 which is the date on which Coronavirus Act 2020 expires⁽⁶⁾.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

⁽⁶⁾ 2020 c.7, section 89.

Status:

Point in time view as at 24/07/2020.

Changes to legislation:

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