



Courts Act 2003

2003 CHAPTER 39

[^{F1}PART 7ZA

TRANSMISSION AND RECORDING OF COURT AND TRIBUNAL PROCEEDINGS]

[^{F1}Offence of recording or transmission

Textual Amendments

- F1** S. 85B and cross-heading inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), ss. 199, 208(4)(aa)

85B Offence of recording or transmission in relation to remote proceedings

- (1) It is an offence for a person to make, or attempt to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,of an image or sound within subsection (2) or (3).
- (2) An image or sound is within this subsection if it is an image or sound of court proceedings that is being transmitted to the place where the recording or transmission referred to in subsection (1) is made or attempted to be made.
- (3) An image or sound is within this subsection if it is an image or sound of a person while that person is remotely attending court proceedings.
- (4) A person is remotely attending court proceedings at any time when the person—
 - (a) is not in the same place as any member of the court, and
 - (b) is taking part in, watching or listening to the proceedings by way of a transmission.
- (5) For the purposes of this section a recording or transmission is “unauthorised” unless it is—

Changes to legislation: Courts Act 2003, Cross Heading: Offence of recording or transmission is up to date with all changes known to be in force on or before 06 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) View outstanding changes

- (a) authorised (generally or specifically) by the court in which the proceedings concerned are being conducted, or
 - (b) authorised (generally or specifically) by the Lord Chancellor.
- (6) It is a defence for a person charged with an offence under subsection (1) to prove that, at the time of the actual or attempted recording or transmission, the person—
- (a) was not in designated live-streaming premises, and
 - (b) did not know that the image or sound concerned was of a sort within subsection (2) or (3).
- (7) In subsection (6)(a), “designated live-streaming premises” has the meaning given by section 85A(4).
- (8) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) Conduct that amounts to an offence under subsection (1) is also a contempt of court.
- But a person cannot, in respect of the same conduct, be both convicted of the offence and punished for the contempt.
- (10) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (11) This section does not apply to proceedings in the Supreme Court.
- (12) This section does not apply to court proceedings if provision regulating the procedure to be followed in those proceedings could be made by—
- (a) an Act of the Scottish Parliament,
 - (b) an Act of Senedd Cymru (including one passed with the consent of a Minister of the Crown within the meaning of section 158(1) of the Government of Wales Act 2006), or
 - (c) an Act of the Northern Ireland Assembly passed without the consent of the Secretary of State.
- (13) In this section—
- “court” has the same meaning as in the Contempt of Court Act 1981 (see section 19 of that Act);
 - “court proceedings” means proceedings in any court;
 - “recording” means a recording on any medium—
 - (a) of a single image, a moving image or any sound, or
 - (b) from which a single image, a moving image or any sound may be produced or reproduced;
 - “transmission” means any transmission by electronic means of a single image, a moving image or any sound (and “transmitted” is to be construed accordingly).]

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))