



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 13

PROCEDURES IN COURTS AND TRIBUNALS

Transmission and recording of court and tribunal proceedings

198 Remote observation and recording of court and tribunal proceedings

(1) In the Courts Act 2003, after section 85 insert—

“PART 7ZA

TRANSMISSION AND RECORDING OF COURT AND TRIBUNAL PROCEEDINGS

Remote observation and recording

85A Remote observation and recording of proceedings by direction of a court or tribunal

- (1) This section applies (subject to subsections (12) and (13)) to proceedings in any court; and in this section “court” has the same meaning as in the Contempt of Court Act 1981 (see section 19 of that Act).
- (2) If the proceedings are specified under subsection (8)(a), the court may direct that images or sounds of the proceedings are to be transmitted electronically for the purpose of enabling persons not taking part in the proceedings to watch or listen to the proceedings.

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 198. (See end of Document for details)

- (3) A direction under subsection (2) may authorise only the following types of transmission—
 - (a) transmission to designated live-streaming premises, or
 - (b) transmission to which individuals are given access only having first identified themselves to the court (or to a person acting on behalf of the court).
- (4) In subsection (3)(a), “designated live-streaming premises” means premises that are designated by the Lord Chancellor as premises that are made available for members of the public to watch or listen to proceedings in accordance with directions under subsection (2).
- (5) A direction under subsection (2) may include further provision about—
 - (a) the manner of transmission, or
 - (b) the persons who are to be able to watch or listen to the transmission (including provision making that ability subject to conditions, or aimed at preventing persons who are not meant to watch or listen from being able to do so).
- (6) If images or sounds of the proceedings are transmitted electronically (whether under a direction under subsection (2) or any other power), the court may direct that a recording of the transmission is to be made, in the manner specified in the direction, for the purpose of enabling the court to keep a record of the proceedings.
- (7) A direction under subsection (2) or (6)—
 - (a) may relate to the whole, or to part, of the proceedings concerned, and
 - (b) may be varied or revoked.
- (8) The Lord Chancellor may by regulations—
 - (a) specify proceedings (by reference to their type, the court in which they take place, or any other circumstance) in relation to which directions under subsection (2) may be made;
 - (b) specify matters of which the court must be satisfied before deciding to make such a direction;
 - (c) specify matters that the court must take into account when deciding whether, and on what terms, to make such a direction;
 - (d) require directions under subsection (2) to include certain provision under subsection (5).
- (9) Before making regulations under subsection (8), the Lord Chancellor must determine whether the function of giving or withholding concurrence to the regulations would most appropriately be exercised by—
 - (a) the Lord Chief Justice of England and Wales,
 - (b) the Senior President of Tribunals, or
 - (c) both of them.
- (10) Regulations under subsection (8) may be made only with the concurrence of the Lord Chief Justice of England and Wales, the Senior President of Tribunals, or both of them, as determined under subsection (9).
- (11) Regulations under subsection (8) may make different provision for different purposes.

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- (12) This section does not apply to proceedings in the Supreme Court.
- (13) This section does not apply to 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.”
- (2) In section 41 of the Criminal Justice Act 1925 (prohibition of photography etc in court)
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- (a) after subsection (1) insert—
“(1ZA) Subsection (1) does not apply to anything done in accordance with a direction under section 85A of the Courts Act 2003 (remote observation and recording of court and tribunal proceedings).”;
 - (b) in subsection (1A), after “provide for” insert “further”.
- (3) In section 29 of the [Criminal Justice Act \(Northern Ireland\) 1945 \(c. 15 \(N.I.\)\)](#) (prohibition of photography etc in court), after subsection (1) insert—
- “(1A) Subsection (1) does not apply to anything done in accordance with a direction under section 85A of the Courts Act 2003 (remote observation and recording of court and tribunal proceedings).”
- (4) In section 9 of the Contempt of Court Act 1981 (prohibition of tape recording etc), after subsection (4) insert—
- “(4A) This section does not apply to anything done in accordance with a direction under section 85A of the Courts Act 2003 (remote observation and recording of court and tribunal proceedings).”
- (5) In section 108(3) of the Courts Act 2003 (regulations and orders under that Act subject to affirmative procedure), after paragraph (c) insert—
- “(ca) regulations under section 85A(8) (provision about directions for remote observation of court and tribunal proceedings);”.

Commencement Information

II S. 198 in force at Royal Assent, see [s. 208\(4\)\(aa\)](#)

Changes to legislation:

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