Draft Order laid before Parliament under section 58(4) of the Crime and Courts Act 2013, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No. 0000

SENIOR COURTS OF ENGLAND AND WALES, ENGLAND AND WALES

The Administrative Court (Recording and Broadcasting) and Court of Appeal (Recording and Broadcasting) (Amendment) Order 2026

Made - - - - ***

Coming into force in accordance with article 1

The Lord Chancellor makes this Order, with the concurrence of the Lady Chief Justice, in exercise of the powers conferred by section 32(1) of the Crime and Courts Act 2013(**a**).

In accordance with section 58(4) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Administrative Court (Recording and Broadcasting) and Court of Appeal (Recording and Broadcasting) (Amendment) Order 2026 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

PART 1

Administrative Court

Interpretation

2. In this Order—

"Administrative Court" means the Administrative Court within the King's Bench Division of the High Court and includes the Planning Court(**b**);

"broadcast" means the transmission to members of the public of a recording of a hearing of the court;

(**a**) 2013 c. 22.

(**b**) The Planning Court was established by S.I. 2014/610, which amended Part 54 of the Civil Procedure Rules 1998 (S.I. 1998/3132). See also Practice Direction 54D supplementing Part 54 of the Civil Procedure Rules 1998.

"judge" means—

(a) a judge of the High Court within the meaning of section 4(1) of the Senior Courts Act 1981(**a**);

(b) an ex-officio or ordinary judge of the Court of Appeal within the meaning of section 2 of the Senior Courts Act 1981(**b**), or a Lord Justice of Appeal (England and Wales) (sitting in retirement)(**c**);

"recording" means 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" are to be construed accordingly.

Administrative Court

3. This Part of this Order applies to the recording and broadcasting of hearings in open court in the Administrative Court.

Recording and broadcasting court hearings

4. Section 41 of the Criminal Justice Act 1925(**d**) and section 9 of the Contempt of Court Act 1981(**e**) do not apply where a hearing is—

(a) recorded in accordance with the conditions in articles 5 to 7, or

(b) broadcast in accordance with the conditions in articles 8 to 10.

Recording - proceedings

5. The condition in this article is that recording is only of—

(a) submissions to the judge and exchanges with the judge arising in the course of such submissions;

(b) the judge giving judgment or delivering a summary of a judgment.

Recording – person recording

6. The condition in this article is that recording is by a person who—

(a) is permitted in writing by the Lord Chancellor to record hearings in court, and

(b) complies with any requirement imposed by the Lord Chancellor as to the assignment of copyright in the recording.

Recording – only with permission of the Administrative Court

7. The condition in this article is that recording takes place only with the permission in writing of the Administrative Court and in accordance with any conditions imposed by it.

(**a**) 1981 c. 54. Section 4 was amended by section 72(6)(a) and (b) of the Courts and Legal Services Act 1990 (c. 4), section 69(2) of the Access to Justice Act 1999 (c. 22), paragraph 117 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c. 4) and paragraph 14 of Schedule 13 to the Crime and Courts Act 2013 (c. 22).

(**b**) Section 2 of the Senior Courts Act 1981 was amended by section 63(1) of the Courts Act 2003 (c. 39), paragraph 115 of Schedule 4, paragraph 22 of Schedule 17 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c. 4), paragraph 13 of Schedule 13 to the Crime and Courts Act 2013 (c. 22) and S.I. 2015/1885.

(**c**) Provision for the appointment of judges to sit in retirement is made by section 123 of and Schedule 3 to the Public Service Pensions and Judicial Offices Act 2022 (c. 7). See also S.I. 2022/798.

(**d**) 1925 c. 86. Section 41 was amended by Part IV of Schedule 11 to the Courts Act 1971 (c. 23), section 47(1) of the Constitutional Reform Act 2005 (c. 4), section 32(7) of the Crime and Courts Act 2013 (c. 22) and section 198(2) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

(**e**) 1981 c. 49. Section 9 was amended by sections 31 and 32(8) of the Crime and Courts Act 2013 (c. 22) and section 198(4) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

Broadcast – broadcast of permitted recordings only

8. The condition in this article is that only recordings made in accordance with articles 5 to 7 are broadcast.

Broadcast – reporting restrictions

9. The condition in this article is that a broadcast must not breach any applicable reporting restriction.

Broadcast – general conditions of use

10. The conditions in this article are that—

(a) a report or presentation of proceedings that includes a broadcast must be fair and accurate having regard to—

(i) the overall content of the report or presentation, and

(ii) the context in which the broadcast is presented; and

(b) a broadcast must not be for the purposes of—

(i) a party political broadcast,

(ii) advertisement or promotion, except where such advertisement or promotion relates to a report or presentation of proceedings that includes a broadcast,

(iii) light entertainment, or

(iv) satire.

PART 2

Amendment of the Court of Appeal (Recording and Broadcasting) Order 2013

Amendment of the Court of Appeal (Recording and Broadcasting) Order 2013

11.—(1) The Court of Appeal (Recording and Broadcasting) Order 2013(**a**) is amended as follows.

(2) In article 2 omit the definition of "legal representative".

(3) In article 6—

(a) for paragraph (1) substitute—

"(1) Recording is only of—

(a) submissions to the court(**b**) and exchanges with the court arising in the course of such submissions;

(b) the court giving judgment.";

(b) omit paragraph (2).

(**a**) S.I. 2013/2786.

(**b**) For the definition of "court", see article 2 of the Court of Appeal (Recording and Broadcasting) Order 2013 (S.I. 2013/2786).

Name
Lord Chancellor
Date Ministry of Justice

I concur

Name
Date Lady Chief Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 32(1) of the Crime and Courts Act 2013 (c. 22). It makes provision for the recording and broadcasting of certain proceedings in the Administrative Court and amends the Court of Appeal (Recording and Broadcasting) Order 2013 (S.I. 2013/2786) ("the 2013 Order").

Articles 2 to 10 establish a framework to permit the recording and broadcasting of hearings in the Administrative Court.

Article 4 disapplies the prohibitions on visual and sound recording and broadcasting of court proceedings in section 41 of the Criminal Justice Act 1925 (c. 86) and section 9 of the Contempt of Court Act 1981 (c. 49), subject to the permission of the court and the conditions specified in this Order. The Order applies to hearings held in open court in the Administrative Court, which forms part of the King's Bench Division of the High Court. Recording is permitted only in relation to specified senior judicial office-holders, namely judges of the High Court (within the meaning of section 4 of the Senior Courts Act 1981) and judges of the Court of Appeal.

Article 5 specifies the matters which may be recorded, namely submissions to the court and exchanges arising in the course of such submissions and the delivery of judgment or a summary of a judgment. Recording is subject, pursuant to article 7, to a general permission-based framework, under which the court retains full discretion to determine whether recording or broadcasting is appropriate in the circumstances of an individual case and, if so, on what conditions. This framework applies to all proceedings within the scope of the Order, including those involving litigants in person.

Articles 8, 9 and 10 set out the conditions governing broadcasting, including restrictions on content and the purposes for which a broadcast may be used.

Article 11 amends the 2013 Order. It omits article 6(2), which restricts recording, in proceedings where any party is not legally represented, to the delivery of judgment. The effect of this amendment is to remove that prohibition. Article 11 also replaces article 6(1) of the 2013 Order to give practical effect to that change and to allow the recording of submissions made by litigants in person. As a result, proceedings involving litigants in person may be recorded and broadcast subject to the permission of the Court of Appeal and any conditions imposed by the court under the 2013 Order.

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

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