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. 000

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts (Recording and Broadcasting) 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 Magistrates' Courts (Recording and Broadcasting) 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.

Interpretation

2. In this Order—

"broadcast" means the transmission to members of the public of a recording of sentencing remarks to which this Order applies;

"court" means the magistrates' court;

"judge" means the Senior District Judge (Chief Magistrate) designated under section 23(a) of the Courts Act 2003(**b**);

"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;

"sentencing remarks" means remarks made by the judge in the court when sentencing an offender for an offence.

(**a**) 2013 c. 22.
(**b**) 2003 c. 39. Section 23 was amended by paragraph 5 of Schedule 3 to the Constitutional Reform Act 2005 (c. 4).

Sentencing remarks in the magistrates' court

3. This Order applies to the recording and broadcasting of sentencing remarks in the magistrates' court made by the judge in open court.

Recording and broadcasting sentencing remarks

4. Section 41 of the Criminal Justice Act 1925(**a**) and section 9 of the Contempt of Court Act 1981(**b**) do not apply where sentencing remarks are—

(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 the judge when making sentencing remarks in open court.

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 sentencing remarks 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 judge

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

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

(**a**) 1925 c. 86. Section 41 was amended by section 56(4) of, and Schedule 11 to, the Courts Act 1971 (c. 23), sections 37, 38, and 46 of the Criminal Justice Act 1982 (c. 48), 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).

(**b**) 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).

(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.

Name
Lord Chancellor
Ministry of Justice

Date

I concur

Name
Lady Chief Justice

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the conditions to be satisfied for the recording and broadcasting of sentencing remarks made by the Chief Magistrate in the magistrates' court. When the conditions are satisfied, section 41 of the Criminal Justice Act 1925 (c. 86) (which makes it an offence to film in court) and section 9 of the Contempt of Court Act 1981 (c. 49) (which provides that it is a contempt of court to record sound in court except with the permission of the court) do not apply.

Articles 1 to 4 set out when the Order comes into force, define terms used in the Order, provide that the Order applies to sentencing remarks in the magistrates' court made by the Chief Magistrate in open court, and provide that section 41 of the Criminal Justice Act 1925 and section 9 of the Contempt of Court Act 1981 do not apply where the conditions in the Order are met.

Articles 5 to 7 set out what can be recorded and who may record it.

Articles 8 to 10 set out when the recording of sentencing remarks can be broadcast and what content is permitted in a broadcast.

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

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