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Introduction

The Judicial Office has issued a consultation paper on the use of live, text-based communications from court for the purposes of fair and accurate reporting. The consultation follows the publication of the Lord Chief Justice's Interim Practice Guidance on live, text-based communications from court on 20 December 2010.

Response to questions

Q1. *Is there a legitimate demand for live, text-based communications to be used from the courtroom?*

Yes. Justice should be delivered in public and open to public scrutiny. Traditionally, accredited members of the media have made notes and sent copy of proceedings by telephone to their editorial staff. Technology now enables them to perform this process more rapidly from the court room and modern methods must be embraced by the justice system. Indeed, anything that can be done to revitalise and encourage reporting of court proceedings is to be welcomed as this will help to improve confidence in the justice system. Accordingly, there is no reason why properly managed and controlled use of live, text based communication should not be used.

Q2. *Under what circumstances should live, text-based communications be permitted from the courtroom?*

Under the interim guidance, journalists are invited to apply to use electronic communication in each case. We would suggest that the requirement to apply for permission should continue — and that permission should be granted to accredited named persons only; the risks of indiscriminate permission are too great.

Q3. Are there any other risks which derive from the use of live, text-based communications from court?

The integrity of accredited representatives of the media is acknowledged; they know the rules, and that if they break them are in contempt of court. However, the indiscriminate use of LTBC is a risk — which is why we favour specific permission being required.

It should be made very clear that permission does not include the transmission of images, which will remain prohibited by legislation (Section 41 of the Criminal Justice Act 1925).

Q4. How should the courts approach the different risks to proceedings posed by different platforms for live, text-based communications from court?

Formal applications to use LBTC should be made by properly accredited representatives of the media.

Q5. How should permitting the use of live, text-based communications from court be reconciled with the prohibition against the use of mobile telephones in court?

The general prohibition on use of mobile telephones in court should remain as these can be used to record or relay court proceedings.

- a. Indiscriminate use would create unmentionable disruption. Permission can be given by the court for necessary use of a mobile telephone in exceptional circumstances.
- b. Mobile telephones can be used to make surreptitious sound recordings, pictures and video footage all in contravention of the existing legislative framework.
- c. Some effective means of confiscating mobile telephones is required in magistrates' courts — a point we have raised with HMCS.

Q6. Should the use of live, text-based communications from court be principally for the use of the media? How should the media be defined? Should persons other than the accredited media be permitted to engage in live, text-based communications from court?

The use should be principally for the use of the media but other persons could be given permission upon presentation of a well made application that includes their credentials and purpose. Applications must be made to the court on each and every occasion that the person wants to use LTBC.

Perhaps accredited representatives of the media might be asked to provide a definition.