

Media Law Briefing from Professor Tim Crook UK Media Law Pocketbook 2nd Edition.

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<https://www.routledge.com/The-UK-Media-Law-Pocketbook/Crook/p/book/9781138309166>



Television the courts in England and Wales. One year on after allowing broadcasting of sentencing in the Crown Court.

Introduction and development of live televising of Crown Court sentencing in England and Wales

Pages 39 to 42 of Chapter 1 of the printed book has a section on broadcasting and online coverage of the courts and following the inauguration of televising sentencing in the Crown Court for the first time at the Old Bailey 28th July 2022, the practice has been gathering what might be described as 'gradual momentum.'

The head of law at ITV news, John Battle, who is also chair of the UK Media Lawyers' Association, has been given credit for successfully leading the campaign for this development over many years.

The guidance on who can and how to apply to televise sentencing is set out at:

<https://www.gov.uk/guidance/broadcasting-crown-court-sentencing>

Authorised media organisations approved for broadcasting the sentencing are the BBC, ITN, Sky and PA Media.

Any one of them needs to apply to the trial judge 5 days in advance of the sentencing hearing.

No one else can film, broadcast or take photos of any hearing at any time. These 'authorised media' can make their footage, including photographic stills from the filming available to other media publishers.

The judge makes a provisional decision at least 2 days before the hearing, and a final decision on the day of the hearing and all this decision making happens outside the courtroom.

The prosecution, defence, victim or his/her relatives cannot make representations and there is no right of appeal against the judge's decision.

The sentencing judge decides whether sentencing can be broadcast live or not and will take into account any reporting restrictions that are in place.

If reporting restrictions do cover some of the content of a sentencing, 'there will be a short delay before broadcast to comply with reporting restrictions' and it is recognised 'authorised media may need to edit footage before it's broadcast.'

The copyright in the footage is retained by The Ministry of Justice, but the MOJ is not responsible for maintaining and transmitting the recordings on media platforms such as YouTube.

Key rules that have to be complied with:

1. Only the judge and their sentencing remarks can be filmed. Authorised media cannot film any other court user – including defendants, victims, witnesses, jurors and court staff.

2. Apart from those authorised media organisations identified (BBC, ITN, Sky and PA Media) and approved of by the Lord Chancellor 'No one else can film, broadcast or take photos of any hearing at any time.'

How HMCTS and the Ministry of Justice explained this historic development for the Crown Court System in England and Wales. 'Broadcasting from the Crown Court' See: <https://insidehmcts.blog.gov.uk/2022/08/19/broadcasting-from-the-crown-court/>

Sky's hosting platform of Crown Court Sentencing. See: <https://www.youtube.com/channel/UCF3HqeLrCkZgARQfyqj1m-g>

Note to student/trainee journalists. Watching these sentencing recordings offers a good opportunity to practice your shorthand or alternative method note-taking in real-time and then to check accuracy and news/journalistic relevance.

You could also set yourself a time deadline of writing up your reports as further practice.

Examples of televised sentencing since July 2022 (Click on the YouTube link beneath the screenshot of sentencing judge/ruling judge):-

Man jailed for life in first TV court sentencing 28th July 2022 From the number One Court of the Central Criminal Court.



<https://youtu.be/pUxrgS2hNpQ>

Woman jailed for 34 years for murdering and decapitating friend 28th October 2022 at the Central Criminal Court, London otherwise known as the Old Bailey.



<https://youtu.be/AptXLIsHI6M>

Mother and boyfriend jailed for life over killing of teenage son 7th November 2022 at Leeds Combined Court Centre.



<https://youtu.be/wcmEt-4VIVM>

Reservoir Dogs attacker gets further 15 years for murdering partner 22nd November 2022 at Bristol Crown Court.



<https://youtu.be/qoGkgbN6vwE>

Necrophiliac killer gets further four years for abusing dead women. 9th December 2022 at the Central Criminal Court, London also known as the Old Bailey.



<https://youtu.be/luhHDtjhiXs>

Judge sentences Anne Sacoolas over Harry Dunn death. 9th December 2022 at the Central Criminal Court, London, also known as the Old Bailey.



https://www.youtube.com/live/7ju_3B-ezxQ?feature=share

Serial offender gets 38 year minimum jail term for brutal murder of Zara Aleena 9 Dec 2022 Central Criminal Court.



<https://youtu.be/dLRccBxEwAg>

Double jeopardy killer gets 25 years for 1975 rape and murder of teenage victim. 13th January 2023 at Huntingdon Law Courts.



<https://youtu.be/gWl2BNI7dcc>

Appeal Court- Criminal Division Sentence increased for rickshaw death crash driver. 25th January 2023.



<https://youtu.be/Mg5mYmwZV9Q>

Pair jailed for 35 years for £4.6m murder and fraud plot. 1st February 2023, Central Criminal Court.



https://youtu.be/ZCjdiDkxU_A

Serial rapist and ex-Met officer David Carrick jailed for at least 30 years 14 Feb 2023 Southwark Crown Court.



<https://youtu.be/p7l0qB6GlX0>

Son gets life sentence for fatal attack on mother 14 Feb 2023 Central Criminal Court



<https://youtu.be/yz3gFjAVkT0>

Embassy spy who sold secrets to Russians jailed for more than 13 years 17 Feb 2023 Central Criminal Court.



<https://youtu.be/rF257M5to-l>

Parents jailed for manslaughter after disabled teen's death, 2nd March 2023 Old Crown Court.



<https://youtu.be/diY8GdkhTXI>

Wayne Couzens gets 19 months for indecent exposure in months before Sarah Everard killing, 6th March 2023 at the Central Criminal Court.



<https://youtu.be/NKSau-dAGt8>

Woman, 22, jailed for eight-and-a-half years for false abuse and grooming gang claims, 14th March 2023, Preston Combined Court Centre.



<https://youtu.be/2XhQjsJCSqc>

14-year minimum term for bed mix-up murderer. 1st April 2023 CANOLFAN CYFIAWNDER TROSEDDOL CAERNARFON CRIMINAL JUSTICE CENTRE



<https://youtu.be/4XrloYOeB4U>

**Gunman who shot dead Olivia Pratt-Korbel, 9, jailed for at least 42 years. 4 Apr 2023
MANCHESTER CROWN COURT (CROWN SQUARE)**



<https://youtu.be/JbnBBhEhgzo>

**Mum and stepdad jailed over fatal attack on two-year-old daughter. Mr Justice Griffiths at
Swansea Crown Court 26th April 2023.**



<https://youtu.be/lrP92GRddHg>

**Nigerian politician, wife and medic jailed over organ harvesting plot. Mr Justice Johnson
9th May 2023 at the Central Criminal Court.**



<https://youtu.be/pD-Xg6YNZ4w>

Knifeman, 17, detained for murder of 'defenceless' 14-year-old. First televised sentencing of a serious juvenile offender in the adult courts where anonymity reporting restrictions have been lifted. Judge Sarah Munro KC 10th May 2023 at the Central Criminal Court.



https://youtu.be/FsFVyfp_Its

Teenagers get life for killing boy, 16, in mistaken identity attack. Judge Sarah Munro KC at the Central Criminal Court again on the same day (10th May 2023) at the Central Criminal Court. A reflection of the terrible toll of knife crime murders taking place in London with young people, often from Black and Asian ethnic communities being the victims.



<https://youtu.be/ga9uUkATVc>

Double killer gets third life sentence for sexually abusing boy. The Recorder of Nottingham, Judge Nirmal Shant KC at Nottingham Crown Court 11 May 2023. A double killer who brutally murdered two women in the 1990s was handed a third life sentence for violently sexually abusing a young boy in the years before his fatal attacks.



https://youtu.be/fdc5MP_Sfz4

Killer of Nikki Allan, 7, jailed for at least 29 years three decades on. Mrs Justice Lambert at Newcastle Quayside Law Courts 24 May 2023. David Boyd, now 55, was convicted of the 1992 murder of schoolgirl Nikki Allan after advances in DNA technology allowed police to link him to the crime.



<https://youtu.be/NiFeXMw8YCE>

Parents jailed for life over murder of 10-month-old Finley Boden. Mrs Justice Tipples at Derby Combined Court Centre 27 May 2023. A couple who murdered their 10-month-old son on Christmas Day 2020 just weeks after he was returned to their care were both jailed for life. Shannon Marsden, 22, and Stephen Boden, 30, burnt and beat Finley Boden, leaving him with 130 separate injuries, including multiple bone breaks and fractures.



<https://youtu.be/DyOeq2YyPQE>

Mother and partner jailed for toddler's violent death. A mother and her partner were jailed over the death of her 15-month-old son, who was shaken and beaten to death. 28 May 2023 Central Criminal Court before Mr Justice Sweeting.



<https://youtu.be/mj1fJZ7N4Rs>

Life sentence for teen terrorist who plotted attack on police and soldiers. The Recorder of London, Judge Mark Lucraft KC at the Central Criminal Court 2nd June 2023. A teenager who admitted he was planning a terror attack on the police and military was jailed for at least six years.



<https://youtu.be/DSR6vsLB4xM>

Killer, 15, gets 12-year minimum term for knife murder. 15 Jun 2023 Newcastle Quayside Law Courts before Mr Justice Martin Spencer. A 15-year-old boy was locked up for at least 12 years for stabbing another teenager to death.



<https://youtu.be/hTqWZ48AAGk>

Musician jailed for 15 years for killing student in “Mafia stiletto” stabbing. The Recorder of Manchester, Judge Nicholas Dean KC at Manchester Crown Court 19th June 2023. A musician who stabbed a student to death with a 13-inch ‘mafia stiletto’ knife after a comment over a skateboard was jailed for 15 years.



https://youtu.be/D_HoNNI8ObA

Government's Rwanda asylum plan is unlawful, Court of Appeal rules. 29 June Royal Courts of Justice. Lord Burnett, the Lord Chief Justice, Master of the Rolls Sir Geoffrey Vos and Lord Justice Underhill.



<https://youtu.be/47pMIRkkztw>

Gunman who killed Elle Edwards in Christmas Eve pub shooting jailed for at least 48 years. Mr Justice Goose 8 Jul 2023 at Liverpool Crown Court. A gunman who shot dead a 26-year-old beautician when he opened fire on a packed pub on Christmas Eve was jailed for a minimum of 48 years.



https://youtu.be/EGx_Z8mtur0

People smuggler jailed for more than 12 years over Essex lorry deaths. Mr Justice Garnham 14 Jul 2023 at the Central Criminal Court. A people smuggler was jailed for more than 12 years for the manslaughter of 39 migrants who were found dead in a lorry trailer in Essex in 2019.



<https://youtu.be/16hoiUOBqnl>

Teens sentenced to total of 34 years for mistaken identity knife murder. Mr Justice Choudhury at Wolverhampton Crown Court 14 Jul 2023. Two teenagers were jailed for a total of at least 34 years for the murder of 16-year-old in a mistaken identity attack. Pradjeet Veadhasa and Sukhman Shergill, both 17, stabbed Ronan Kanda to death close to his family home in Wolverhampton in June 2022.



<https://youtu.be/YUwDDHhOMMo>

Whole life term for killer who shot police officer Matt Ratana. Mr Justice Johnson at Northampton Combined Crown and County Courts. 27 July 2023. A gun fanatic who shot dead a Metropolitan Police custody sergeant after smuggling a gun into a holding cell was handed a whole life jail sentence. Louis De Zoysa, 26, opened fire on Matt Ratana without

warning using a legally-bought antique revolver and homemade bullets, causing a fatal wound to his heart and lung. Sgt Ratana, 54, later died in hospital.



<https://youtu.be/5QuNbQZIAps>

Rape conviction quashed for man who spent 17 years in jail. 28th July 2023 at the Royal Courts of Justice London. Lord Justice Holroyde with Mr Justice Goose and Sir Robin Spencer. A man who served 17 years in prison had his rape conviction overturned after fresh DNA evidence emerged linking another suspect to the crime. Andrew Malkinson, now 57, was jailed for life with a minimum term of seven years in 2004 after he was found guilty of the attack on a woman in Salford, Greater Manchester – but he stayed in jail for another decade because he maintained his innocence.



<https://youtu.be/0ICRwDv8scs>

Operators fined £14m over Croydon tram disaster failings. Mr Justice Fraser at the Central Criminal Court, 28th July 2023. Tram operators were fined a total of £14m after seven people were killed when a tram crashed in Croydon, south London. Transport for London was fined £10m and Tram Operations Limited was fined £4m for failing in their health and safety duties.



<https://youtu.be/01UFllat9N4>

Stepfather and mother jailed over brutal death of baby Jacob Crouch. Mr Justice Kerr at Derby Combined Court Centre 4th August 2023. Craig Crouch, 39, was convicted of murder over a final, fatal attack on the child at his home in Linton, Derbyshire, in December 2020 and jailed for at least 28 years. His partner and Jacob's mother Gemma Barton, 33, was cleared of murder and manslaughter but found guilty of causing or allowing the infant's death following a trial at Derby Crown Court. Barton received a total sentence of 10 years.



<https://youtu.be/SqZXzxxQRf8?si=X6wl48o8wr-7KnG6>

Killer nurse Lucy Letby gets 14 whole-life sentences. Mr Justice Goss at Manchester Crown Court 21st August 2023.

Serial killer nurse Lucy Letby will never be released from prison after she was given 14 whole-life orders for murdering seven babies and attempting to murder six others.

The former neonatal nurse, 33, fatally injected seven infants with air, tried to kill two others by lacing their feeding bags with insulin and attempted to force a tube down another's throat.



<https://youtu.be/BQZa8erLTtE?si=zcVWRr WSkYufgTM>

An example of a ruling from the Court of Appeal (Criminal Division) in July 2022 when the Lord Chief Justice of England and Wales presented judgement in linked appeals concerning the issue of 'whole life terms.' The appellants included Metropolitan Police officer Wayne Couzens convicted of the murder of Sarah Everard.



<https://youtu.be/AqNywGhQscl>

What is the current law in respect of broadcasting the courts in England and Wales?

The new edition of the Judicial College Guidelines on reporting restrictions in the Crown Court (2022) sets this out under section 5(7) at pages 45 and 46:-

Live-streaming, broadcast and electronic transmission of court proceedings

The statutory prohibitions on the recording and transmission of court proceedings do not apply to the transmission of video and audio of court hearings into a second courtroom, or to another location in England and Wales which is designated as an extension of the court. Not infrequently in criminal proceedings which attract a high level of public and press interest a second courtroom will be made available to permit a greater number of people to follow the proceedings in this way.

Until 2022, however, the general rule was that the statutory prohibitions on taking and publishing photographic images and sound recordings of court proceedings meant that

courts had no power to allow their proceedings to be electronically transmitted to the general public. Any exception to this general prohibition requires further legislation. There are four exceptions where Parliament has intervened to permit the live-streaming or electronic transmission of court proceedings.

- First, s.47 Constitutional Reform Act 2005 creates an exception to the general rule for proceedings in the Supreme Court, which are broadcast online on the Supreme Court Live service.²⁰⁹
- Secondly, the Crime and Courts Act 2013 s.32 empowers the Lord Chancellor to make regulations disapplying the prohibitions on making sound recordings and photographic images, thereby permitting the live-streaming of court proceedings. To date, orders have been made permitting the live-streaming of:
 - Public hearings before the full court of the Court of Appeal.
 - Sentencing remarks of certain specified judges in the Crown Court, with the permission of the relevant judge.
- Thirdly, the Coronavirus Act 2020 made temporary amendments to the Courts Act 2003, in light of the impact of the coronavirus pandemic, to enable certain criminal proceedings to be conducted by means of video or audio link and to permit the ‘broadcast’ of criminal proceedings conducted wholly by means of video or audio, for the purpose of enabling members of the public to see and hear the proceedings. As this power was limited to proceedings conducted ‘wholly’ by video or audio link, it follows that it did not confer power to permit live-streaming of criminal court proceedings which took place in person, or partly in person. This power did not allow a court conducting a fully remote hearing to permit a TV production company to record and then re-broadcast the proceedings.²¹⁴
- Fourthly, the Police, Crime, Sentencing and Courts Act 2022 replaces the temporary powers under the Coronavirus Act with permanent amendments to the CJA 1925, CCA 1981 and the Courts Act 2003. These allow the Lord Chancellor to empower the Court to direct the electronic transmission of images or sounds of proceedings of all kinds for the purpose of enabling persons not taking part in the proceedings to watch or listen to them, though onward recording and broadcasting is prohibited.

There is now an extensive infrastructure of televised broadcasting of Appeal Court Civil Division cases from the Royal Courts of Justice with streaming on YouTube though permission is not given for the material to be broadcast and re-used by the media:

[Court of Appeal - Civil Division - Court 63](#)

[Court of Appeal - Civil Division - Court 70](#)

[Court of Appeal - Civil Division - Court 71](#)

[Court of Appeal Civil Division - Court 73](#)

[Court of Appeal - Civil Division - Court 74](#)

[Court of Appeal - Civil Division - Court 75](#)

[Court of Appeal - Civil Division - Court 76](#)

On 28th July 2023 ITN's head of legal and compliance John Battle wrote an article for Press Gazette on how the success of filming in UK courtrooms is restoring trust in justice: 'Cameras in courts one year on: An unqualified success.' See: <https://pressgazette.co.uk/comment-analysis/cameras-in-courts-one-year-on-an-unqualified-success/>

Two judges whose sentencing has featured in live televised hearings in the past year, His Honour Judge Mark Lucraft, the Recorder of London, and Mrs Justice Cheema Grubb, have offered their views on the project in a Ministry of Justice media release: 'One year of broadcasting of sentencing remarks in the Crown Court.'

See: <https://www.judiciary.uk/one-year-of-broadcasting-of-sentencing-remarks-in-the-crown-court/>

Legal journalist Joshua Rozenberg KC has also written an excellent analysis and review of one year of televising the sentencing in English courts for *Law Society Gazette*: '[Letting the public see how the public law works.](#)' (pages 12 to 13)



HHJ Lucraft speaks about the anniversary of live broadcast of sentencing remarks

<https://youtu.be/uoB4TUDFhQA>



Mrs Justice Cheema-Grubb - One Year of Broadcasting Sentencing Remarks Anniversary

<https://youtu.be/6fy7PCnuaMs>

Ministry of Justice Open Justice Consultation 2023

In May 2023, the Ministry of Justice opened a consultation on Open Justice. See: <https://www.gov.uk/government/consultations/open-justice-the-way-forward/call-for-evidence-document-open-justice-the-way-forward>

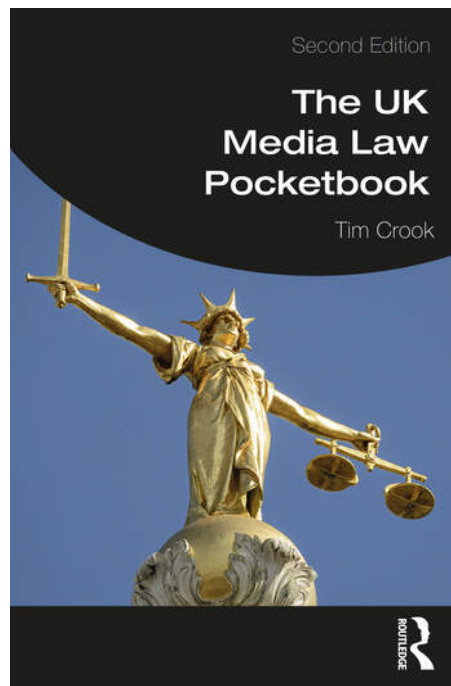
A research document 'Open Justice: the way forward Call for Evidence' was released 10th May at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1155744/open-justice-cfe.pdf

The call for evidence ends 7th September 2023 and invites contributions on a wide range of topics: Open Justice; listings; accessing courts and tribunals; remote observations and livestreaming; broadcasting; Single Justice Procedure; publication of judgments and sentencing remarks; access to court documents and information; data access and reuse; and public legal education.

See Law Society Gazette 'Court photography ban under review in transparency drive' at:

<https://www.lawgazette.co.uk/practice/court-photography-ban-under-review-in-transparency-drive/5116009.article>



The second edition of *The UK Media Law Pocketbook* presents updated and extended practical guidance on everyday legal issues for working journalists and media professionals.

This book covers traditional print and broadcast as well as digital multimedia, such as blogging and instant messaging, with clear explanations of new legal cases, legislation and regulation, and new chapters on freedom of information and social media law. Links to seven new online chapters allow readers to access all the most up-to-date laws and guidance around data protection, covering inquests, courts-martial, public inquiries, family courts, local government, and the media law of the Channel Islands and the Isle of Man. Tim Crook critically explores emerging global issues and proposals for reform with concise summaries of recent cases illustrating media law in action, as well as tips on pitfalls to avoid.

The UK Media Law Pocketbook is a key reference for journalists and media workers across England, Wales, Scotland, and Northern Ireland. The book's companion website provides downloadable sound files, video summaries, and updates all the developments in one of the most dynamic and rapidly changing fields of law. Visit <https://ukmedialawpocketbook.com>.

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