Article

Cameras in the courts: why the prohibition occurred in the UK

by Stephen Mason

At the turn of the twentieth century, the owners of newspapers quickly understood the significance of truly portable cameras when they began to be manufactured. Photographers began to take photographs in courts, mainly for the purposes of publishing images of salacious trials and society gossip from the divorce courts. This article sets out why the taking of photographs was prohibited in courts in England & Wales in 1925 and outlines the recent decision by the Minister of Justice to permit the use of cameras in court.

The use of cameras in court is not new. An exceedingly brief summary (comprising three short paragraphs) of the history leading up to the prohibition of the taking of photographs was included in *Broadcasting Courts Consultation Paper* initiated by the Lord Chancellor in 2004 (Department for Constitutional Affairs, CP 28/04, November 2004). The late Professor Martin Dockray (Martin Dockray, "Courts on Television", 51 MLR 1988, 593–604) and Professor Rubin (Gerry Rubin, "Seddon, Dell and Rock n' Roll: Investigating Alleged Breaches of the Ban on Publishing Photographs Taken Within Courts or Their Precincts, 1925–1967", Crim LR 874) have both provided a more detailed explanation as to why Parliament prohibited the taking of photographs in courts, and the purpose of this part of the article is to fill in the small gap left in their work.

The disquiet expressed over the taking of photographs and the drawing of sketches in courts exercised commentators in *The Law Journal* in the first two decades of the twentieth century. This early discussion by lawyers in the UK does not diminish the unease expressed at the time, just because they were raised over one hundred years ago. A recent text by Paul Lambert serves to illustrate the range of problems that must be faced when television cameras are permitted to enter the court to broadcast live images of the proceedings (Paul Lambert, *Courting Publicity: Twitter and Television Cameras in Court*, London, Bloomsbury Professional, 2011). The issues that arose with the taking of photographs in court that were expressed between 1910 and 1920 remain as relevant today as they were when they were first aired. For this reason, it is of interest and relevant to contemporary debates to understand the concerns that were discussed in the lead up to the passing of clause 41 of the Criminal Justice Bill in the UK, especially because participants in the discussions sometimes argued their point of view along themes of human rights, even though they did not articulate their thoughts with the concepts that were brought to bear midway through the century. The historical view covered below is taken from a law journal active at the turn of the twentieth century, *The Law Journal*, and the reports from the House of Commons in Hansard.

BALANCING THE NEED FOR OPEN JUSTICE AGAINST THE QUEST FOR PRIVACY

The first report in *The Law Journal* considered the decision by Sir Gorell Barnes (later Lord Gorell), when taking his seat as President of the Divorce Court on August 9, 1906, to prohibit the practice of sketching in court. The learned judge gave his reasons, based on his experience, and no doubt he also took into account the grave consideration for what was then considered to be a highly embarrassing and socially destructive method of dealing with incompatibility between husband and wife:

> *"After a long experience and close observation I feel convinced that many persons who have to give evidence in cases in this Court are embarrassed and rendered more self-conscious and nervous than they otherwise would be to an extent which affects the proper giving of their evidence, and that this acts to their prejudice, and may interfere with the due administration of justice. Pictorial illustrations which may draw attention to divorce cases are not necessary, nor can they be said to be really desirable in the public interest; but the action I propose is to take is on the ground I have already stated. I do not suppose that it has been realised how the taking of these sketches may affect the witnesses in the course of the cases. I expect that I have only to intimate how the practice may affect trials here, and those who hitherto followed it will realise the effect which both I and Mr Justice Bargrave Deane think it has, and will cease from the practice." (The Law Journal, vol 41, August 18, 1906, 564(a)).*

The comments by Sir Gorell Barnes indicate that the practice of sketching in divorce courts must have been causing profound concern, not only with the judges, but also with those caught up in divorce proceedings. This was illustrated in some of the comments made in the House of Lords during the second reading of a Private Member's Bill, the Judicial Proceedings (Regulation of Reports) Bill in 1925. Baron Darling of Langham spoke at some length on this issue in relation to the divorce courts, and the Earl of Desart made some important observations in relation to the taking of photographs, illustrating the social stigma associated with divorce proceedings at the time:

> *"What are these divorce cases? They are the tragedies of lives that began happily and hopefully. It is cruel that these people should have everything about their past shouted in the streets, put on the placards and read by everybody, and that they should themselves be photographed at the trial. It is cruelty beyond words, especially on matters in which the public have no right to have an interest. It advantages justice in no way that I can see whatever. Indeed, it has rather the contrary effect. I have known cases in my own experience in which important witnesses, who ought to be called, have asked when they were asked for their statement: 'Am I to give this evidence in court? Will my name be in the papers?' and when they were told that they must give evidence in court, they replied: 'I will not tell you anything.' I do not blame them; I think they are perfectly right. In that sense it is a detriment to justice.' (HL Deb, vol 62, col 141, July 16, 1925)*

In response, the Lord Chancellor raised the dilemma that must always be dealt with, and where to draw the line:

> *"Your Lordships will not forget this, that for some purposes publicity is necessary for justice. When a man or woman has been publicly accused and the matter comes into court then, if the judgment of the law is in his favour, it is right that, that fact should be brought to the public knowledge. On the other hand, there are cases where, if a verdict is against him, it is equally just that he should suffer the penalty of publicity. Therefore one must take care not to endeavour to suppress publication of facts of that kind where the very publication is essential to justice being done, and not to create suspicion in the public mind that because there is secrecy there is some defect in the administration." (HL Deb, vol 62, cols 142–43, July 16, 1925)*

THE RIGHTS OF THE ACCUSED AND OTHERS AFFECTED BY THE TAKING OF PHOTOGRAPHS

Disquiet over the rights of the accused were expressed by "A London Editor," the author of a book entitled *Modern Journalism*, and discussed by a commentator in the April 30, 1910 issue of *The Law Journal*. (It has not been possible to find the publisher of this book, and it does not appear to be available in the British Library, although it seems that the author had also written to *The Times* on this issue: *The Law Journal*, vol 45, July 9, 1910, 450(b)). It appears that by 1910 the "operations of the photographer have become more frequent in our Courts of justice", in both civil and criminal proceedings. This problem has re-emerged with the mobile telephone, as observed by Aikens J in *R v Vincent D* [2004] EWCA Crim 1271. This case involved the taking of a photograph on a mobile telephone during a criminal trial, in which the learned judge commented at [15] that:

> *"It is well known that taking photographs using mobile phones in court has become a major problem and concern in both Magistrates' Courts and the Crown Court of England and Wales. It is also of concern in the civil courts."*

The commentator in 1910 argued that consideration ought to be given to making the taking of photographs punishable by contempt of court, and a paragraph was quoted from *Modern Journalism* to substantiate the argument, part of which reads:

> *"In the case of the prisoner who is found not guilty it is a sufficient ordeal that his name should appear throughout the press as a potential criminal; but that his very portrait, taken at a time when his position is felt most acutely, should appear side by side with the police narrative, is an action calculated to cause unnecessary suffering to a man who has already suffered too much." (The Law Journal, vol 45, April 30, 1910, 238(b))*

The commentator subsequently reiterated the point that the taking of photographs had a deleterious effect on the accused, especially if they were acquitted (*The Law Journal*, vol 45, July 9, 1910, 450(b)). These observations are almost identical to the comments made by the European Court of Human Rights in *Egeland and Hanseid v Norway* ECHR (34438/04), April 16, 2009, regarding the right to respect for private and family life pursuant to article 8 of the European Convention on Human Rights.

The first reference in *The Law Journal* that discusses photography in court is that of a photograph taken in the dock of Bow Street Police Court in 1910 of Dr Hawley Harvey Crippen and Ethel le Neve. Sir Albert de Rutzen prohibited the taking of photographs in the Police Court, although it only appeared that he prohibited the taking of photographs of witnesses. The commentator in *The Law Journal* agreed that it was "a scandal that a witness in a sensational case, whether he desires the publicity or not, should have his portrait reproduced in a public print to gratify the vulgar curiosity of the multitude", and continued with the theme that the accused should not have their images published in the newspapers. This was because they may be found to be innocent of the crime they are charged with, bearing in mind that it was a "common thing for prisoners to be photographed in the dock" and such activities had the effect of causing "an innocent man and his relatives additional suffering than the knowledge that his portrait is being circulated in this way throughout the land." The practice was also of concern for the due administration of the law, given that it irritated and unnerved witnesses (*The Law Journal*, vol, 45, September 17, 1910, 588(b)–589(a))

The commentator later referred to the "vulgar entertainment of the 'snapshot' journalist," who caused the members of the Jockey Club to prohibit the use of the camera in the enclosures of the race meetings under its control, and continued to suggest that the judges in the High Court might consider the issue in relation to the dignity of the courts (*The Law Journal*, vol 45, October 15, 1910, 652(a)). The dignity of the courts and the taking of photographs was again raised in comments made about the acquittal of Harold Jones for the murder of eight-year old Freda Burnell on June 21, 1921, and his subsequent conviction for a second murder of 11-year old Florrie Little on July 8, 1921 (*The Law Journal*, vol 56, November 5, 1921, 393(a)–(b)). Apparently the press reported the first trial extensively, including photographs of Jones in the dock (Paul Harrison, *South Wales Murder Casebook*, (Countryside Books, 1995); Neil Milkins, *Every Mother's Nightmare – Abertillery in Mourning*, (Rose Heyworth Press, 2008)). However, when the Crippen case reached the Central Criminal Court, the Lord Chief Justice did not formally prohibit the taking of photographs in court, although only sketches of the accused and a number of witnesses subsequently appeared in the halfpenny journals. The inconsistency in dealing with photography and sketching was exhibited during the same week when the Lord Chief Justice failed to prohibit the practice, because Mr Justice Scrutton issued a warning in his court in the Central Criminal Court upon being informed that a person was sketching. Unless the judiciary adopted a consistent approach to the practice, and used their powers to deal with the practice of "snapshotting", members of the press were bound to face inconsistency when reporting on legal proceedings (*The Law Journal*, vol 45, October 22, 1910, 661(b); *The Law Journal*, vol 46, March 18, 1911, 162(a)–(b)).

This state of affairs continued until at least 1920, when Mr Justice Horridge was presiding in what was known as the "Green Bicycle case" (H R Wakefield, *The Green Bicycle Case*, (Philip Allan, 1930); C.Wendy East, *The Green Bicycle Murder*, (Sutton Publications, 1993)). Mr Justice Horridge interrupted counsel's reply for the defence because he observed a man in the public gallery holding up a camera. The man was brought before the judge, and explained he was not aware that there was a law against the taking of photographs in court. The correspondent in *The Law Journal* indicated that Mr Justice Horridge "threatened that if the man denied knowledge of such a law, he would be treated more severely", and he was removed from the court. The commentator went on to write: "we are rather inclined, ourselves, to doubt the existence of the alleged 'law' – and to regret its absence" (*The Law Journal*, vol 55, June 19, 1920, 229(a))

Photography and the effect on the members of the jury

The effect on those people whose photographs were taken in court was not restricted to the witnesses or the accused – it included the members of the jury. The members of the jury in the 1911 case of *R v Morrison,* known as the Clapham murder case, in which Stinie Morrison was indicated and subsequently found guilty of the murder of Leon Beron (Proceedings of the Central Criminal Court, March 6-15, 1911, 477-535; Old Bailey Online Reference Number: t19110228-43) made representations to Mr Justice Darling directly on this point. Mr Justice Darling commented on the communication by the jury:

> *"This is an intimation from the jury in which they protest against the continual snapshotting of members of the jury which is going on, and they point out that not only it is a nuisance to them, but it may be in some circumstances a source of danger to those who are engaged in the administration of justice. Judges, of course, must take their chances, but people who are brought from their home to serve on juries are not protected as judges are. I think this is a most reasonable protest made on behalf of the jury. This practice has become now far too common …" (The Law Journal, vol 46, March 18, 1911, 162(a) – this commentary was not published in Proceedings of the Central Criminal Court).*

Yet a further reason for prohibiting the taking of photographs in court was canvassed by the commentator in *The Law Journal* in the following week, March 25 1911. In his summing up, Mr Justice Darling is reported to have commented on an assurance given by the Home Secretary that he would consider the issue of taking photographs of the parties, witnesses and members of the jury in sensational trials. However, Mr Justice Darling is also reported as having commented on the photograph of an accused in court immediately after their arrest, in that it might interfere with the process of their identification – something that was prejudicial to the accused and the prosecution.

RESPONDING TO THE PROBLEMS – THE POLITICAL LANDSCAPE

The first reference of an exchange in the House of Commons in relation to photographs in court was between Mr Nield and the Home Secretary, Winston Churchill in 1911, in which Mr Nield asked whether "he will at an early date introduce legislation to prevent a continuance of the practice both as to civil as well as criminal tribunals?" To which Mr Churchill replied that the "question is receiving my consideration" (HC Deb, vol 22, col 2237, March 15, 1911). A further exchange that illustrated the concern in relation to this matter occurred between Mr MacCallum Scott and Mr McKenna, the Secretary of State for the Home Department, in relation to a photograph taken in the Central Criminal Court of the judge passing sentence of death on Frederick Seddon, who was convicted of murder. Mr MacCallum Scott expressed a concern that remains with us in the twenty-first century, implicitly making the point that the only interest the members of the press had (an underlying theme throughout the commentaries in *The Law Journal*) was to take advantage of the sensational nature of the event and to make money

(HC Deb, vol 35, col 1529, March 18, 1912; *The Law Journal*, vol 47, March 23, 1912, 202(b)).

A further exchange took place on March 21, 1912, in which the Home Secretary informed the House that the court had not given permission for the taking of the photograph. He went on to suggest that "it must have been taken without authority and surreptitiously", and expressed the view that the Lord Mayor, Sheriffs and officers of the court shared the indignation that was expressed (*The Law Journal*, volume 47, March 30, 1912, 222(a); HC Deb, vol 35, col 2067, March 21, 1912). This photograph was of particular concern, because it showed Bucknill J wearing the black cap, the clerks below the judge, the prisoner receiving the death sentence, the members of the jury, and all of the lawyers. The photograph was taken from the public gallery, with the judge to the right and the dock to the left, which meant the person taking the photograph had a sweeping panoramic view of most of the court and those in the court at the time the photograph was taken – Martin Dockray thought the photograph was a composite (Martin Dockray, "Courts on Television", 595, n 14). A copy of this photograph, and the photograph of Crippen and Ethel le Neve, is available on-line at http://www.blog.murdermap.co.uk/current-affairs/a-brief-history-of-cameras-in-court/.

By 1922, the Lord Chancellor issued an order prohibiting the taking of photographs in and any enclosure of the Royal Courts of Justice, although this order did not cover the criminal courts. Since the order of Sir Gorell Barnes prohibiting the practice of sketching in court, judges had begun to consider the taking of photographs to be a nuisance, and apparently, photographers had increasingly take up positions within the railed enclosure of the main entrance to the Royal Courts of Justice for the purpose of taking photographs (*The Law Journal*, vol 57, May 27, 1922, 180(b)). By 1925, it became clear that politicians had attempted to prohibit the taking of photographs and sketching in courts. *The Law Journal* reported that the Criminal Justice Bill was one of a number "tossing on the troubled seas of Parliament for nearly three years, and which failed to pass, both in 1923 and 1924, only because of the General Elections" (*The Law Journal*, vol 60, March 14, 1925, 252–53; the Home Secretary, Sir William Joynson Hicks, also commented upon this: HC Deb, vol 183, col 1593, May 11, 1925).

THE 1925 CRIMINAL JUSTICE BILL

During the debate in the House of Commons on the clause dealing with the prohibition of taking photographs in courts in November 1925, the Home Secretary, Sir William Joynson Hicks, indicated that the clause was introduced into the Bill in 1924 by the Labour Government, and was not in the Bill of 1923. When he became Home Secretary, he thought it was such a good clause that he included it in the Bill (HC Deb, vol 188, col 839, November 20, 1925). What seems to be the first reference to the particular clause dealing with the prohibition in the Criminal Justice Bill is from the House of Lords in 1924 (HL Deb, vol 56, cols 796–98, March 18, 1924). When discussed in the House, the relevant clause in the Bill was clause 36 (it later became cl 40, and was finally cl 41 in the Act, for which see below). The draft excluded members of the jury, and the Lord Chancellor moved to include the words "or a juror" in subsection (1) (a), after "court", on the basis that "the jurors say, with some force, that the provision ought to be framed in such a fashion as to include themselves. They do not like being photographed, for the same reasons as other persons concerned, and we propose to extend the benefits of the clause to them." This was agreed.

The exasperation caused by the practice of people taking photographs was illustrated when the Home Secretary, Sir William Joynson Hicks, moved the second reading of the Bill in the House of Commons. He remarked: "There is a small Clause to prevent photographs of the parties being taken in Court. Everybody has suffered for a long time by prisoners in the dock and witnesses being pilloried by having their photographs taken, and this is to prevent that happening" (HC Deb, vol 183, col 1599, May 11, 1925). By November 20, opposition to the clause was brought to the fore with a number of amendments that were moved, although none were passed. The debate that took place illustrated a number of the concerns by those that opposed and supported the clause. Colonel Wedgwood (by this time a member of the Labour party) objected to the clause partly on the basis that it created "fresh offences and fresh excuses to send people to prison". He took the view that legal proceedings are public, and it therefore follows that: "It may be very undesirable from the point of view of the person whose picture is taken, but if persons go to law, and come before the public, it seems to me that the public as a whole has just as much right to have a photograph as to have their lives dealt with, or an account of their career put into the public Press."

Colonel Wedgwood concluded by commenting that this was a "habit of grandmotherly legislation in the interests of what is said to be morality [and] seems to me to be a very unfortunate development of modern times" (HC Deb, vol 188, col 833 November 20, 1925). This view was supported by Mr R H Morris, who posed the conundrum: "I fail to understand what distinction can be drawn between the publication of the photographs of these people in the Courts, and the publication of the account of the trials" (HC Deb, vol 188, col 834, November 20, 1925). The Member for Cambridge University, Mr Rawlinson, emphasised the distress caused to witnesses, a position supported by Mr F A Broad, the Labour Member for Edmonton:

> *"... the matter is serious where you have to persuade people to come into Court for the purpose of defending their rights, and I can assure hon. Members that a large number of people, both men and women, are terrified to come into the Court because their photographs or a sketch of them are likely to be put in the various papers. They go to Court and you*

subsequently see photographs of them with their hands in front of faces showing their objection to it. I can tell the House, in my own experience, that this really is a thing which is interfering with the courts of justice at the present time" (HC Deb, vol, 188 cols 834–35, November 20, 1925).

Captain William Wedgwood Benn (by this time a member of the Labour party) countered this point with an argument that recalls the super injunction debacle in early 2012:

"There have been unpleasant cases in which witnesses may have been deterred from coming forward by the fear that their photographs would appear in the newspapers, and that no doubt is an argument for this Clause; but there must be some limit. We had the 'Mr. A' case [Mr A was Sir Hari Singh, a 25-year-old prince: Gerry Rubin, "Seddon, Dell and Rock n' Roll: Investigating Alleged Breaches of the Ban on Publishing Photographs Taken Within Courts or Their Precincts, 1925–1967", at 879], where an attempt was made to conceal the identity of one of the parties in the case. It must be recognised that there are certain penalties of publicity involved in the ordinary public administration of justice. As a rule, the name of the witness is given and there is a certain amount of publicity, and we must weigh up the disadvantages that this may bring in exceptional cases against the grave disadvantage of creating a new Press law …" (HC Deb, vol 188, col 837, November 20, 1925).

However, Sir William Joynson Hicks was not to be moved by this line of reasoning, on the basis that the taking of photographs of people in court had "become an added terror to the administration of justice" (HC Deb, vol 188, col 839, November 20, 1925). George Lansbury, who might be considered to have been a somewhat radical member of the Labour party, expressed his opinion in the vigorous style he used, mostly in relation to the relationship between the government and the press, and it is reminiscent of the difficulties currently being faced by politicians and members of the press through the Leveson Inquiry (the Prime Minister established an inquiry under the Inquiries Act 2005, HC, col 312, July 13, 2011):

"This is another sample of the cowardice of Governments—I will not discriminate between Governments—in dealing with the Press, when the Press take up an attitude on a particular question. The right hon. Gentleman the Member for the Aston Division (Sir E Cecil) introduced a Bill dealing in an effective manner with a growing evil of our time, namely, the pernicious and outrageous manner in which rich men get richer by retailing filth day by day and every Sunday. It is perfectly monstrous the sort of stuff that is retailed out in what is called the popular Press. You talk about Bolshevism and any other ism, but it is nothing compared with the moral degradation that is caused by this literature, and no Government dare tackle it. You are tackling here just the fringe of the question, but in my judgment the rich well-to-do purveyors of filth do not mind this Clause.' (HC Deb, vol 188, col 842, November 20, 1925).

The clause as passed provided as follows:

41 Prohibition on taking photographs, &c., in court. (1) No person shall—

(a) take or attempt to take in any court any photograph, or with a view to publication make or attempt to make in any court any portrait or sketch, of any person, being a judge of the court or a juror or a witness in or a party to any proceedings before the court, whether civil or criminal; or

(b) publish any photograph, portrait or sketch taken or made in contravention of the foregoing provisions of this section or any reproduction thereof;

and if any person acts in contravention of this section he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding fifty pounds.

(2) For the purposes of this section—

(a) the expression "court" means any court of justice, including the court of a coroner:

(b) the expression "Judge" includes recorder [the word 'recorder' was repealed by the Courts Act 1971 (c. 23), Sch. 11 Pt. IV], registrar, magistrate, justice and coroner:

(c) a photograph, portrait or sketch shall be deemed to be a photograph, portrait or sketch taken or made in court if it is taken or made in the court–room or in the building or in the precincts of the building in which the court is held, or if it is a photograph, portrait or sketch taken or made of the person while he is entering or leaving the court–room or any such building or precincts as aforesaid.

As indicated by Professor Rubin, the reasoning for the passing of section 41 was not articulated coherently. There was an emphasis on the need to uphold "good taste", but arguably some of the human rights arguments were concealed beneath the lack of clarity of reasoning, which is understandable, given the changes that were to occur in the world in the years after the passing of the Act (Gerry Rubin, "Seddon, Dell and Rock n' Roll: Investigating Alleged Breaches of the Ban on Publishing Photographs Taken Within Courts or Their Precincts, 1925–1967", at 877–80). This is the law that pertains in 2012, with the exception that it does not apply to the Supreme Court, as provided for by the Constitutional Reform Act 2005, section 47, and includes sound images – section 9 of the Contempt of Court Act 1981 prohibits the recording of sounds except with leave of the court, and section 9(2) makes it a contempt of court to broadcast recordings of court proceedings to the public.

In *J Barber & Sons v Lloyd's Underwriters* [1987] 1 QB 103, a case that dealt with the examination of a witness by videotape, which was granted, section 41 was interpreted to prohibit filming in court. In *R v Loveridge, Lee and Loveridge* [2001] 2 Cr App R 29, CA, the police secretly

recorded the applicants during a hearing inside a Magistrates' Court. The video recording was adduced in evidence during their trial, and on appeal, it was stated that the filming was unlawful, but it was admissible, and article 8 of the European Convention on Human Rights was not affected because the action by the police did not affect their right to a fair trial. (For the position in Scotland, see the 1992 Practice Direction by Lord President and Lord Justice General (Lord Hope) dated August 5, 1992, a discussion of which can be found in *X v British Broadcasting Corporation and Lion Television Limited (trading as Lion Television Scotland)* [2005] CSOH 80, at [4]–[5]).

The phrase "in the precincts of the building in which the court is held" exercised some discussion in the debate on the amendments in the House of Commons on November 20, 1925. Mr R H Morris challenged the meaning of this phrase (HC Deb, vol 188, col 834, November 20,1925), and the Home Secretary agreed that it was not possible to "prevent every photographer taking photographs of witnesses going to or leaving the court, but when they are crossing the pavement leading to the court there ought to be the sanctity of the court to protect them" (HC Deb, vol 188, col 840, November 20,1925).

The difficulty in enforcing such a clause was addressed by a number of MPs, and Lieutenant Commander Kenworthy commented on the problems of enforcement: "I think this goes much too far. I do not know where the precincts are supposed to begin and end. The precincts of a cathedral, for example, are a very wide area. It is much too vague …" (HC Deb, vol 188, cols 841–42; c847, November 20, 1925, comment of Mr Andrew MacClaren). When pressed on this point in more detail, the Home Secretary suggested that "precincts" included, in regard to the Law Courts, the corridors and the steps leading to the courtyard, but went on to conclude that: "It would be a matter for the Court to decide' (HC Deb, vol 188, col 848, November 20, 1925). References were made to the number of photographers that were already present outside courts at the time the amendments were being debated, and whether the clause should include the public highway. It seems that the plethora of photographers outside the Royal Courts of Justice (and other courts across the world) were a part of the fabric of life in 1925 as they remain today. (For further discussion about the meaning of "precincts of a court" and the futility of enforcing the provisions of the clause, see Gerry Rubin, "Seddon, Dell and Rock n' Roll: Investigating Alleged Breaches of the Ban on Publishing Photographs Taken Within Courts or Their Precincts, 1925–1967", 880–87); it is debatable whether, when the CCTV cameras were installed, that the court officials were breaking the law; (Martin Dockray, "Cameras at the door of the court", (1990) 140 NLJ 548).

THE FUTURE

It is plain that the Minister of Justice in the UK intends to permit the broadcasting of legal proceedings in the future, as set out in *Proposals to allow the broadcasting, filming, and recording of selected court proceedings* (May 2012, Ministry of Justice). To this effect, a provision has been included in the Crime and Courts Bill (HL Bill 4) section 22 (the first reading took place on May 10, 2012 in the House of Lords, the second reading took place on May 28, 2012, and the committee stage began on June 18, 2012). The legislation seeks to enable the Lord Chancellor, with the concurrence of the Lord Chief Justice, to provide that the prohibitions set out in the Criminal Justice Act 1925 and Contempt of Court Act 1981 may be lifted. It is initially planned to broadcast judgments and sentencing decisions in cases before the Court of Appeal (Criminal and Civil Divisions). It is possible that the broadcasting of the sentencing remarks in the Crown Court may also be considered at a later date. These plans, by implication, appear to deal with some of the concerns over human rights. It is necessary for justice to be open and exercised in such a way as to be as fair as possible, but the introduction of cameras into courts should not lead to unfairness for the parties because of the way the media broadcasts events in courts.

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