



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART III

PREPARATORY HEARINGS

Reporting restrictions

37 Restrictions on reporting

- (1) Except as provided by this section—
 - (a) no written report of proceedings falling within subsection (2) shall be published in Great Britain;
 - (b) no report of proceedings falling within subsection (2) shall be included in a relevant programme for reception in Great Britain.
- (2) The following proceedings fall within this subsection—
 - (a) a preparatory hearing;
 - (b) an application for leave to appeal in relation to such a hearing;
 - (c) an appeal in relation to such a hearing.
- (3) The judge dealing with a preparatory hearing may order that subsection (1) shall not apply, or shall not apply to a specified extent, to a report of—
 - (a) the preparatory hearing, or
 - (b) an application to the judge for leave to appeal to the Court of Appeal under section 35(1) in relation to the preparatory hearing.
- (4) The Court of Appeal may order that subsection (1) shall not apply, or shall not apply to a specified extent, to a report of—
 - (a) an appeal to the Court of Appeal under section 35(1) in relation to a preparatory hearing,

Status: This is the original version (as it was originally enacted).

- (b) an application to that Court for leave to appeal to it under section 35(1) in relation to a preparatory hearing, or
 - (c) an application to that Court for leave to appeal to the House of Lords under Part II of the Criminal Appeal Act 1968 in relation to a preparatory hearing.
- (5) The House of Lords may order that subsection (1) shall not apply, or shall not apply to a specified extent, to a report of—
 - (a) an appeal to that House under Part II of the Criminal Appeal Act 1968 in relation to a preparatory hearing, or
 - (b) an application to that House for leave to appeal to it under Part II of the Criminal Appeal Act 1968 in relation to a preparatory hearing.
- (6) Where there is only one accused and he objects to the making of an order under subsection (3), (4) or (5) the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.
- (7) Where there are two or more accused and one or more of them objects to the making of an order under subsection (3), (4) or (5) the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.
- (8) Subsection (1) does not apply to—
 - (a) the publication of a report of a preparatory hearing,
 - (b) the publication of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,
 - (c) the inclusion in a relevant programme of a report of a preparatory hearing, or
 - (d) the inclusion in a relevant programme of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,at the conclusion of the trial of the accused or of the last of the accused to be tried.
- (9) Subsection (1) does not apply to a report which contains only one or more of the following matters—
 - (a) the identity of the court and the name of the judge;
 - (b) the names, ages, home addresses and occupations of the accused and witnesses;
 - (c) the offence or offences, or a summary of them, with which the accused is or are charged;
 - (d) the names of counsel and solicitors in the proceedings;
 - (e) where the proceedings are adjourned, the date and place to which they are adjourned;
 - (f) any arrangements as to bail;
 - (g) whether legal aid was granted to the accused or any of the accused.
- (10) The addresses that may be published or included in a relevant programme under subsection (9) are addresses—
 - (a) at any relevant time, and
 - (b) at the time of their publication or inclusion in a relevant programme;

and “relevant time” here means a time when events giving rise to the charges to which the proceedings relate occurred.

- (11) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.
- (12) In this section—
- (a) “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;
 - (b) expressions cognate with “publish” shall be construed accordingly;
 - (c) “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

38 Offences in connection with reporting

- (1) If a report is published or included in a relevant programme in contravention of section 37 each of the following persons is guilty of an offence—
- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.
- (3) Proceedings for an offence under this section shall not be instituted in England and Wales otherwise than by or with the consent of the Attorney General.
- (4) Subsection (12) of section 37 applies for the purposes of this section as it applies for the purposes of that.