



# Contempt of Court Act 1981

## 1981 CHAPTER 49

### *Other aspects of law and procedure*

#### **9 Use of tape recorders.**

- (1) Subject to subsection (4) below, it is a contempt of court—
- (a) to use in court, or bring into court for use, any tape recorder or other instrument for recording sound, except with the leave of the court;
  - (b) to publish a recording of legal proceedings made by means of any such instrument, or any recording derived directly or indirectly from it, by playing it in the hearing of the public or any section of the public, or to dispose of it or any recording so derived, with a view to such publication;
  - (c) to use any such recording in contravention of any conditions of leave granted under paragraph (a).
  - <sup>[F1]</sup>(d) to publish or dispose of any recording in contravention of any conditions of leave granted under subsection (1A).]

<sup>[F2]</sup>(1A) In the case of a recording of Supreme Court proceedings, subsection (1)(b) does not apply to its publication or disposal with the leave of the Court.]

- (2) Leave under paragraph (a) of subsection (1) <sup>[F3]</sup>, or under subsection (1A),] may be granted or refused at the discretion of the court, and <sup>[F4]</sup>if granted—
- (a) may, in the case of leave under subsection (1)(a),] be granted subject to such conditions as the court thinks proper with respect to the use of any recording made pursuant to the leave and;
  - <sup>[F5]</sup>(b) may, in the case of leave under subsection (1A), be granted subject to such conditions as the Supreme Court thinks proper with respect to publication or disposal of any recording to which the leave relates; and]

where leave has been granted the court may at the like discretion withdraw or amend it either generally or in relation to any particular part of the proceedings.

- (3) Without prejudice to any other power to deal with an act of contempt under paragraph (a) of subsection (1), the court may order the instrument, or any recording made with it, or both, to be forfeited; and any object so forfeited shall (unless the court

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*Changes to legislation: There are currently no known outstanding effects for the Contempt of Court Act 1981, Section 9. (See end of Document for details)*

otherwise determines on application by a person appearing to be the owner) be sold or otherwise disposed of in such manner as the court may direct.

(4) This section does not apply to the making or use of sound recordings for purposes of official transcripts of proceedings.

[<sup>F6</sup>(4A) This section does not apply to anything done in accordance with a direction under section 85A of the Courts Act 2003 (remote observation and recording of court and tribunal proceedings).]

[<sup>F7</sup>(5) See section 32 of the Crime and Courts Act 2013 for power to provide for further exceptions.]

#### Textual Amendments

- F1 S. 9(1)(d) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(4)**, 61(6)
- F2 S. 9(1A) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(2)**, 61(6)
- F3 Words in s. 9(2) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(3)(a)**, 61(6)
- F4 Words in s. 9(2) substituted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(3)(b)**, 61(6)
- F5 S. 9(2)(b) and word inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(3)(c)**, 61(6)
- F6 [S. 9\(4A\)](#) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 198(4)**, 208(4)(aa)
- F7 S. 9(5) inserted (E.W.) (15.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 32(8)**, 61(3); S.I. 2013/1725, art. 2(f)

#### Modifications etc. (not altering text)

- C1 S. 9: power to exclude conferred (E.W.) (15.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 32(1)(2)(b)**, 61(3) (with s. 32(6)); S.I. 2013/1725, art. 2(f)
- C2 S. 9 excluded (E.W.) (30.10.2013) by [The Court of Appeal \(Recording and Broadcasting\) Order 2013 \(S.I. 2013/2786\)](#), arts. 1, 4
- C3 S. 9 excluded (E.W.) (27.5.2016) by [The Crown Court \(Recording\) Order 2016 \(S.I. 2016/612\)](#), arts. 1, 4 (with art. 3)
- C4 S. 9 excluded (E.W.) (20.6.2020) by [The Crown Court \(Recording and Broadcasting\) Order 2020 \(S.I. 2020/637\)](#), arts. 1, 4 (with art. 3)
- C5 S. 9 excluded (temp.) (E.W.) (24.7.2020) by [The Competition Appeal Tribunal \(Coronavirus\) \(Recording and Broadcasting\) Order 2020 \(S.I. 2020/801\)](#), arts. 1, 4-8 (with art. 9)
- C6 S. 9 excluded (E.W.) (11.2.2022) by [The Competition Appeal Tribunal \(Recording and Broadcasting\) Order 2022 \(S.I. 2022/156\)](#), arts. 1, 4-9
- C7 S. 9 excluded (E.W.) (24.10.2023) by [The Courts \(Prescribed Recordings\) Order 2023 \(S.I. 2023/1124\)](#), arts. 1, 4 (with art. 3)

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