

GRAND COURT PRACTICE DIRECTION NO. 1 OF 2014

PRACTICE GUIDANCE

Use of portable cameras, recording and electronic devices, including cellular phones and laptop computers, in and from court buildings, courtrooms and judges' chambers

The prevalent use of recorders, cellular phones, laptops and other devices, whether electronic or otherwise, and live text-based forms of communication (including texts and “Twitter”) in court buildings and in particular in and from courtrooms and chambers has made it necessary to provide directions on their usage by attorneys and counsel and their assistants and employees attending court or chambers. Separate guidance is issued for the press and the general public (see paras 1 to 16 in Practice Guidance below).

1. The following definitions shall apply:

- (a) “**court**” means any courtroom or equivalent, including judge’s chambers, or any other place in which judicial business is being carried out whatever type of matter is being or will be heard therein;
- (b) “**court building**” means any building in which a court is located, whether permanently or temporarily;
- (c) “**electronic device**” means, for these purposes:
 - (i) any type of portable phone or computer or any other device that is capable of receiving, transmitting, making, saving or recording messages or transcripts, whether verbal or written, images, sounds, data or other information by electronic or any other means;
 - (ii) any camera, whether a separate instrument or integrated within some other device and regardless of whether it operates electronically, mechanically or otherwise and whether it



records still or moving images by using digital technology, film, or any other means;

(iii) any recording device regardless of whether it operates electronically, mechanically or otherwise and whether it uses digital technology, tape or any other means.

(d) “**Judge**” includes, for this purpose, a Magistrate and a Justice of the Peace.

2. Possession and use of electronic devices:

(a) Generally: Subject to inspection by court security personnel and the restrictions in this Practice Direction, an electronic device, other than a separate camera, may be brought into a court building and used other than in a court in session for the purpose of making and receiving phone calls and electronic messages by e-mail, text, Twitter or otherwise for any lawful purpose not otherwise prohibited provided that no electronic device may be used to take photographs or in any manner whatsoever that interferes with proceedings in any court or with the work of any court or Judicial Administration staff or other official personnel in any way. Without prejudice to this generality, verbal use of any electronic device may not take place near the workstation or place of work of any member of such staff or personnel or near the door to any court in session.

(b) Court

(i) All electronic devices shall be turned off before entering a court in session and, subject to (ii) below, shall remain turned off while inside the court and no electronic device shall be used while in the court.

(ii) A presiding Judge will, in that Judge’s discretion in the particular circumstances, usually allow the attorneys and counsel appearing in the hearing in the court (and their assistants and employees) to make reasonable and lawful use of electronic devices in the court in connection with the hearing concerned, provided that such use is not verbal, that



the electronic device is in “silent” mode or similar mode and that such use does not interfere in any way with the proceedings or inconvenience the Judge or anyone else present.

- (iii) Under the direction of the Judge, electronic communication linking an on-site electronic device to an off-premises receiving device or network may be specifically permitted for the purpose of assisting the Court in its duties consistent with the provisions of the Practice Direction and Guidance.
- (c) Security or privacy in a particular case: If, in the discretion of the presiding Judge the circumstances of a particular case or hearing raise security or privacy issues that the Judge considers justify a restriction on the use of electronic devices or any of them, the Judge may make a direction or order limiting or prohibiting such use in the court or in any other area of the court building designated by the Judge for the purpose. Such direction or order may provide for the collection by a marshal or court security official of all electronic devices in the possession of those present in the court or other designated area of the court building and their return when the persons who were in possession of such electronic devices leave the court or other designated area.
- (d) Breach of Practice Direction
 - (i) A marshal or court security official, whether on the order or direction of a Judge or otherwise, may confiscate and retain any electronic device that is used in breach of this Practice Direction or of any order or direction of a Judge. Confiscation or retention shall operate subject to the direction or order of the court.
 - (ii) A Judge may direct the person in possession of any electronic device to delete any images or recordings made which are prohibited under this Practice Direction.



- (iii) A marshal or court security official, on the order or direction of a Judge, may delete any images or recordings made which are prohibited under this Practice Direction
- (iv) A person who willfully or persistently breaches this Practice Direction or any direction or order by a Judge in relation to any electronic device may be found in contempt of Court.

Dated the 6th day of January 2014

Hon. Anthony Smellie Q.C.
Chief Justice

