

Ordinance 07 of 2024

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**CONTEMPT OF COURT (AMENDMENT)
ORDINANCE 2024**

An Ordinance to amend the Contempt of Court Ordinance 2008.

Clare Elizabeth Simpson
DEPUTY ADMINISTRATOR

18 April 2024

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title and commencement

- 1.—(1) This Ordinance may be cited as the Contempt of Court (Amendment) Ordinance 2024.
- (2) This Ordinance comes into force on 1 May 2024.

Insertion of new section 10A (prohibition on recording or transmission of remote court proceedings)

2. In the Contempt of Court Ordinance 2008(a), after section 10 insert—

(a) Ordinance 09/2008.

“Prohibition on recording or transmission of remote court proceedings

10A.—(1) It is an offence for a person to make, or attempt to make—

- (a) an unauthorised recording, or
- (b) an unauthorised transmission,

of an image or sound within subsection (2) or (3).

(2) An image or sound is within this subsection if it is an image or sound from a transmission of court proceedings.

(3) An image or sound is within this subsection if it is an image or sound of a person while that person is participating in court proceedings by live link or any other technological means.

(4) For the purposes of this section a recording or transmission is “unauthorised” unless it is authorised (whether generally or specifically) by the court in which the proceedings concerned are being conducted.

(5) An authorisation under subsection (4)—

- (a) may be given at the discretion of the court and may be subject to such conditions as the court thinks proper about the use of any recording or transmission made in accordance with the authorisation, and
- (b) at the discretion of the court, may be withdrawn or amended, either generally or in relation to any particular part of the proceedings.

(6) It is a defence for a person charged with an offence under subsection (1) to prove that, at the time of the actual or attempted recording or transmission, the person did not know that the image or sound in question was of a sort within subsection (2) or (3).

(7) A person guilty of an offence under subsection (1) is liable on conviction to the penalties specified in section 15.

(8) Conduct that amounts to an offence under subsection (1) is also a contempt of court.

(9) For the purposes of this section, it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(10) In this section—

“image” includes a video or other moving image;

“live link” has the meaning given in section 2A of the Courts (Constitution and Jurisdiction) Ordinance 2007(a);

“recording” means a recording on any medium—

- (a) of an image or any sound, or
- (b) from which an image or any sound may be produced or reproduced;

“transmission” means transmission by electronic means of an image or any sound.”.

(a) Ordinance 05/2007. Section 2A was inserted by section 5 of Ordinance 02/2014.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Contempt of Court (Amendment) Ordinance 2024 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The Ordinance amends the Contempt of Court Ordinance 2008 (Ordinance 09/2008) to make it an offence and a contempt of court to make, or attempt to make, a recording or transmission of electronically transmitted court proceedings (for example, court proceedings being conducted via live link) or a person participating in such proceedings, unless authorised by the court.

3. The Ordinance should be read alongside the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2024, which amends the Courts (Constitution and Jurisdiction) Ordinance 2007 (Ordinance 05/2007) to give the Resident Judge’s Court the power to permit or direct certain people to use live links (e.g. remote videoconferencing software) to participate in court proceedings in particular circumstances.

4. The Ordinance applies to remote court proceedings taking place under the powers conferred in the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2024 as well as under other powers.

SBA/AG/2/CT480
