



## SUPREME COURT OF BRITISH COLUMBIA

**Effective Date:** 2015/11/17

**Number:** PD - 48

**Title:**

### **Practice Direction**

## **Video Recording or Broadcasting of Court Proceedings**

### **Summary**

This Practice Direction describes the procedures for applications for authorization to video record or broadcast court proceedings or portions thereof.

### **Direction**

1. PD-23 - *Television Coverage of Court Proceedings* dated July 1, 2010 is rescinded.

### **Authorization Required**

2. Except as authorized, the video recording or broadcasting of court proceedings or portions thereof or of people or events within courthouse premises is prohibited.

### **Application Procedure**

3. A media organization seeking authorization to video record or broadcast a court proceeding or portion thereof must prepare a notice of application in the form attached in [Schedule A](#).
4. The notice of application must be filed and served on all parties to the proceeding in accordance with the Supreme Court Rules.
5. Parties to the proceeding who consent to the authorization sought must provide written consent in the form attached in [Schedule B](#).
6. Unless the court otherwise orders, the notice of application and, where available, the written consents, must be filed not more than 90 days and not less than 14 days prior to the

start of the scheduled hearing in the proceeding in relation to which the authorization is sought.

7. The applicant must file an application record in accordance with the Supreme Court Rules.

### **Written Argument**

8. In support of the application, the applicant must submit a written argument addressing the impact of the authorization sought on:
  - a. fair trial rights;
  - b. privacy interests;
  - c. witnesses in the proceeding; and
  - d. the Court and the administration of justice.
9. The applicant's written argument may also address any other factors which the applicant considers relevant to the application.

### **One Application for Authorization**

10. Where more than one application is filed for authorization to video record or broadcast a court proceeding or portion thereof in respect of the same proceeding, the court will adjudicate the first application properly filed.

### **Pooling Agreements**

11. If an authorization to video record or broadcast a court proceeding or portion thereof is granted, the authorized media organization and any other applicants or media organizations wishing to share the production feed subject to the terms of the authorization will be required to conclude a pooling agreement to share the feed.
12. No later than two (2) business days prior to the hearing for which authorization to video record or broadcast has been granted, the authorized media organization must advise the court in writing of the pooling agreement, if any, and must provide the court with a contact name(s) and email address(es) for all media organizations who are parties to the pooling agreement.
13. If a required pooling agreement is not concluded and the court is not advised in writing of the pooling agreement, the authorization to video record or broadcast the proceedings is automatically rescinded.

### **Informing Witnesses**

14. If an authorization to video record or broadcast a court proceeding or portion thereof has been granted, parties or counsel must inform witnesses of the authorization and of the rights of the witness under this practice direction.

15. If a witness (including a party who is also a witness in the proceeding) objects to his or her evidence being video recorded or broadcast, the party calling the witness must so advise the authorized media organization not less than four (4) days prior to when the witness is scheduled to testify.

### **Physical Criteria for Recording Equipment and Personnel**

16. Unless the court otherwise orders, the following criteria applies to the use of video recording equipment in the courtroom by authorized media:
- a. No more than one audiovisual recording device (“Recording Device”) is allowed in the courtroom;
  - b. The Recording Device and operating personnel must be in place and ready to proceed in an area designated by the court at least 10 minutes prior to the scheduled commencement of the hearing;
  - c. Operating personnel in the courtroom must be suitably attired in business dress, and must conduct themselves in a manner in keeping with judicial proceedings;
  - d. The Recording Device and operating personnel must remain in place while the court is in session;
  - e. The Recording Device must be turned off when court is not in session (e.g., during breaks);
  - f. The Recording Device must be unobtrusive; and
  - g. All other equipment must be left outside the courtroom and must not impede public access to a courtroom or circulation within the courthouse.

### **Specific Restrictions on Recording**

17. The following restrictions and prohibitions apply in all proceedings where authorization to record or broadcast has been granted:
- a. There must be no video recording or broadcasting of:
    - i. members of the jury at any time;
    - ii. members of the public in attendance in the courtroom;
    - iii. materials on counsel tables, or in counsel’s possession, or of any materials used in the examination of a witness that have not been admitted into evidence;
    - iv. any conversations between counsel or between counsel and their clients, witnesses or anyone else at any time; or

- v. any witness, counsel or other participant in the proceedings who objects to being video recorded.
- b. The video recorded or broadcast image of a person must be tightly framed and must not show less than the person's head and shoulders.

### **Delay in Broadcasting**

- 18. Unless the presiding judge, master or registrar otherwise orders, there must be a delay of at least two (2) hours between the conclusion of the morning or the afternoon court session at which the video recording was made and the time of broadcasting.

### **Application to Vary**

- 19. A video recording of a court proceeding may only be used for the purpose(s) authorized and only during the time period specified in the authorization. An application to vary the terms of the authorization (e.g., use or broadcast the recording for any other purpose, amend a condition) must be the subject of a separate application.

### **Storage**

- 20. The authorized media organization must retain and securely store any recordings of the proceedings for a period of at least three years from the conclusion of the proceeding of which the recordings were made ("Retention Period").
- 21. During the Retention Period, the authorized media organization must make the video recording(s) available to the court upon the direction of the Chief Justice, the Associate Chief Justice or his or her designate.

### **General Provisions**

- 22. In granting an authorization, the presiding judge, master or registrar may impose such additional conditions as the presider considers appropriate in the particular case.

Chief Justice C. E. Hinkson

## Schedule A

No.  
Registry

### IN THE SUPREME COURT OF BRITISH COLUMBIA

*[INSERT STYLE OF PROCEEDING]*

#### Application for Authorization to Video Record or Broadcast Court Proceedings

TO: The Court

AND TO: *[insert names of all parties]*

FROM: *[insert name of media organization]*

*[insert name of authorized person from the media organization responsible for the application]*

*[insert address and phone number of media organization]*

*[insert direct telephone number and cell number, if available, of authorized person]*

*[insert email address for authorized person]*

TAKE NOTICE that *[insert name of media organization]* wishes to apply to the court for an order allowing it to video record or broadcast the proceedings which are scheduled to take place on *[insert dates of all days on which coverage is proposed to take place]*.

#### Description, Effect and Purpose of Coverage

*[Insert name of media organization]* proposes to obtain the following footage in the courtroom:

*[insert description of the form the coverage sought]*

The footage being sought in the courtroom will be limited to:

*[insert a description of the extent of the coverage sought]*

The purpose of the coverage is as follows:

*[insert detailed description of the purpose of the coverage sought]*

## Consent of the Parties

*(If applicable)* The applicant has obtained the written consent of [*insert parties who have consented*] to this application. Copies of the consent(s) are attached to this application.

The applicant acknowledges having read ***PD-48 - Video Recording or Broadcasting of Court Proceedings*** and undertakes to abide by the practice direction and any order of the court made in this proceeding.

As the person authorized to make this application on behalf of the media organization, I agree to be the contact person for the any pooling agreement that is concluded and I undertake to notify the court of my replacement if I cannot act in that capacity.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Authorized Representative  
of Applicant Media Organization*

**Schedule B**

No.  
Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

*[INSERT STYLE OF PROCEEDING]*

**Consent to Video Recording or Broadcast of Court Proceedings**

TAKE NOTICE that:

*[insert name of party]* has reviewed the application of *[insert name of media organization]* to obtain authorization to video record or broadcast these proceedings or portions thereof *[specify]* and is aware of the purpose for which the authorization being sought; and

*[insert name of party]* is under no legal disability.

*[Insert name of party]* consents to *[insert name of media organization]* video recording or broadcasting the proceedings or portion thereof in this matter as set out in its application.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Party or Counsel*