

# MEDIA IN THE FAMILY COURTS

**As of 27 April 2009 the rules relating to media attendance at family hearings in the county court and High Court changed to allow accredited members of the press and other people permitted by the Court to attend these hearings. These new rules relate to all family hearings (both financial and children) save for Financial Dispute Resolution or Conciliation hearings.**

## EXCLUSION OF THE MEDIA

An application can be made to exclude the press but as the thought behind this change in the law is to “open” up the family courts; such an application would only be granted by the court if it is:

- in the interests of a child concerned in or connected with the proceedings;
- for the safety/protection of a party or a witness or a person connected with a party or witness;
- for the orderly conduct of proceedings; or
- that justice will otherwise be impeded or prejudiced.

As this is so new there is currently no clear case law on the circumstances that would give rise to the Court ordering the exclusion of the media. It does, however, seem likely that it might arise in the following circumstances:

- where there is a contested issue of conduct;
- where there is commercially sensitive information; or
- where the interests of third parties, who have not intermeddled with the parties’ affairs, are directly affected.

This will, however, have to be reviewed on a case by case basis. As a result we will discuss this with you early on in your case to decide how best to approach the issue (if relevant) and also seek Counsel’s advice on any application, if appropriate.

Even if an application for exclusion is not successful initially it seems that the position can be reviewed as the case develops and a further application made (which could be successful) if there is a change in circumstances.

## REPORTING OF CASES

Even if the Court refuses to exclude the media from the hearing their right to report is still subject to the Court and the Court file (including Counsel’s skeleton arguments) remain secret subject to leave being given by the Court.

At this stage it is unclear what reporting restrictions there are on the media attending family hearings because this is so far an untested area. It does, however, appear that they will be restricted to reporting a concise summary of the issues rather than the evidence itself. The only case specifically relating to this issue, although not imposing any reporting restrictions, does make it clear that restrictions may need to be imposed as the case develops and that the issue can be revisited as necessary during the case.

Since the new rules came into force there has not been a great deal of media interest in the family courts but if this is an issue that may affect you then please let us know so that we can advise you about your position accordingly.

This briefing offers general guidance only. It reflects the law as at May 2009. The circumstances of each case vary and this note should not be relied upon in place of specific legal advice.