



# Policy of the Provincial Court of British Columbia

## Access to Court Proceedings

<b>Approved Date:</b>	<b>Policy Code:</b>
October 15, 2020	ACC-1
<b>Scope of Application</b>	
Applies to:	
Media	
Public	
Provincial Court of British Columbia proceedings	

### Purpose of Policy

The Court has underlined its commitment to public and media access to court proceedings in [Public and Media Access Policies - The Principles of Openness](#). The purpose of this Policy is to clarify the circumstances and procedures under which members of the public and media have access to in person and virtual court proceedings.

### Policy

Members of the public and the media are welcome to attend in person and virtual sessions of the Court. In some circumstances, either legislation requires, or a judge may order, that a proceeding, or part of a proceeding, be held in private. In those circumstances, neither the general public nor the media may be present while Court is in session.

In this Policy, the term “court proceedings” does not include case conferences. Given the private and confidential nature of case conferences, including pre-trial conferences, small claims settlement conferences, small claims trial conferences, and family case conferences, only parties and their lawyers, if they have lawyers, may attend an in-person or virtual case conference unless otherwise permitted by the presiding judge.

At this time, in person attendance at court proceedings is subject to [NP 22 Resuming In-Person Proceedings During COVID-19: Health & Safety Protocols](#). NP 22 provides that in order to maintain a safe physical distance in the public gallery between members of the media and public, the number of seats available in courtrooms will be limited, and entry into the courtroom will not be permitted if the safe physical distancing requirements cannot be maintained.



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## 1. Access to Virtual Hearings

1.1 In this Policy, the term “virtual hearing” refers to a court hearing conducted by audioconference (including telephone) or videoconference. Currently, all judicial interim release (bail) hearings, unless a judge or justice orders otherwise, and some criminal disposition hearings are virtual hearings, and accessible as set out below.

1.2 Members of the public and media wishing to hear or observe a virtual hearing may email the applicable [Court Registry](#) as far in advance as possible before the hearing and provide the following information about the hearing they would like to hear or observe:

1.2.1 case name,

1.2.2 case number (if known), and

1.2.3 hearing date (Daily court hearing lists are available [here](#)).

1.3 The Court Registry will provide instructions on how to join the virtual hearing.

1.4 Observation of a virtual hearing may be subject to limits on the number of participants that can be connected.

1.5 If observers do not call in at the set time or if the connection is lost, the Court will not disrupt the hearings to connect them.

1.6 The Court’s [NP 21 Guide to Virtual Proceedings](#) applies to virtual hearings and sets out virtual hearings etiquette, including:

**No recording:** You are not permitted to audio- or video-record any portion of a virtual hearing (except [accredited media](#) may audio-record for notetaking purposes only). Some hearings are confidential and there may be a publication ban in effect. The BC Courts’ [Policy on the Use of Electronic Devices](#) sets out penalties for recording, including prosecution.

1.7 People wishing to hear or observe a virtual hearing must read and comply with [NP 21](#).

1.8 Accredited media should also see [Notice to Accredited Media re Access to Provincial Court Proceedings during COVID-19](#) regarding remote access to other court proceedings.



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## 2. Decorum when Court in Session

2.1 The judge and those participating in court proceedings need to hear clearly everything that is said, and to concentrate on the evidence and submissions. Therefore, persons observing when a Court is in session must act so as not to disturb the Court process. For example, doors to the courtroom should be closed gently if the Court is in session. Members of the public are asked to remain silent when in the Courtroom and to refrain from speaking loudly in the hallways outside of courtrooms.

2.2 If a member of the public or media must enter or exit a courtroom while Court is in session, he or she is urged to do so as quietly and with as little disruption to the proceedings as is possible.

2.3 The basic principle to be remembered is that the conduct of a trial or hearing must not be disturbed; on occasion and to protect the process, a judge may exercise his or her discretion to order that no one enter or leave the courtroom. Such an order might occur during the testimony of a particular witness, during an address by a litigant or a lawyer to the Court, or when the Court is giving a decision about a matter. If such an order has been made, the sheriff on duty will enforce it.

2.4 When listening to a virtual hearing by telephone, a landline may work best. To avoid interrupting the hearing, if using a cell phone put it in silent mode. When observing a video hearing, mute your microphone and turn off your camera.

## 3. Movement Beyond the Bar

3.1 No member of the media or the public is permitted beyond the Bar in a courtroom, which by convention and long-established practice is an area reserved for lawyers or self-represented litigants engaged in the presentation of a matter to the Court, unless express permission is given by the presiding Judge or Judicial Justice.

3.2 If a member of the media wishes to make an application to the presiding Judge to, for instance, comment upon a discretionary publication ban application, they may rise in the general gallery of the courtroom and ask the presiding Judge to allow them to come into the body of the Court beyond the Bar to orally make an application related to the proceeding.

## 4. General Guidelines for Media

4.1 Members of the media should also consult the Court's [Public and Media Access Policies](#), including the [Use of Electronic Devices in Courtrooms Policy](#), [Notice to Accredited Media re Access to Provincial Court Proceedings during COVID-19](#), and the



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[Media Accreditation Process](#), as well as [ACC-2 Access to Court Records Policy](#) and [ACC-3 Information Regarding Bans on Publication](#).

4.2 When attending Provincial Courthouses in British Columbia, members of the media are asked to conduct themselves with the safety and dignity of the people coming and going from the Court uppermost in their minds.

4.3 They should also be mindful of any publication bans or restrictions imposed by legislation or by the presiding judge.

4.4 These guidelines in no way interfere with the discretion of the presiding judge to resolve issues that arise in a specific trial or matter.

4.5 Whenever in courthouses, media who have sought and obtained accreditation are asked to keep their identification tags on their person at all times and produce them when so requested by a Sheriff or court official.

4.6 Accredited media possessing identification tags will have priority in areas designated for the media unless circumstances relating to issues of safety and/or security make it impossible.

4.7 Accredited members of the media should give the Sheriff or Court Clerk as much advance notice as practical when they intend to use any audio recording device in any Courthouse.

## 5. Cameras

5.1 As a general rule, when court is in session, the use of cameras – including television cameras and cell phone cameras – is prohibited in any Provincial Court in British Columbia. Camera operators may take cameras into courtrooms for safekeeping if they terminate the power supply. Members of the media may apply to the Court for permission to record a particular session of the Court (see below under “Televising courtroom proceedings”).

5.2 Similarly, visual recording or photographing of a courtroom when Court is not in session is not permitted without the express permission of the Chief Judge.

5.3 Filming or visual recording requests in a courthouse for educational and court related information purposes may be approved at the discretion of the Chief Judge. Photographing, videotaping and filming in the court facilities are not otherwise permitted. Exceptions to the policy may be made if the approval of the Chief Judge has been obtained in advance.



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5.4 Visual recording of judges' chambers and sheriff cells is strictly prohibited.

5.5 Taking photographs, including screenshots, of a videoconference proceeding is strictly prohibited.

## 6. Televising Court Proceedings

6.1 Applications may be made to a judge of the Court to televise or broadcast all or part of the proceedings in a particular case. It is the policy of the Court that such applications may be granted in the discretion of the presiding judge, provided that he or she finds that it is in the public interest that the proceedings, or part of them, be televised or broadcast, and that to do so will not:

6.1.1 affect the right of a party to a fair trial;

6.1.2 cause discomfort to any witness;

6.1.3 interfere with any privacy interests that may override the public interest in televising the proceedings;

6.1.4 have the potential effect of deterring witnesses in any future similar cases;

6.1.5 cause additional expense to the Court; or

6.1.6 otherwise potentially hamper the ongoing administration of justice in relation to Provincial Court proceedings.

6.2 The presiding judge may use the BC Supreme Court Practice Direction on [Video Recording or Broadcasting of Court Proceedings](#) as a guide in assessing the merits of an application.

6.3 The onus of establishing that these conditions are met is on the applicant. The Court may adjourn an application in order that persons whose interests are engaged may obtain legal advice or representation, if to do so is not contrary to the interests of the parties or the public interest in having the matter proceed expeditiously.

6.4 The BC Supreme Court Practice Direction on Television Coverage of Court Proceedings can be found [here](#).

## 7. Computers

7.1 Members of the public and the media are permitted to use portable computers in Provincial Court provided that they do not disturb the proceedings or interfere with the operation of the court's own electronic equipment, and that the computers (subject to item 7 below) are used solely for the purpose of note-taking.



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## 8. Electronic Devices in Courtrooms

8.1 See also [Use of Electronic Devices in Courtrooms Policy](#). This policy sets out the permitted and prohibited use of electronic devices in courtrooms of the Court of Appeal, the Supreme Court and the Provincial Court of British Columbia.

## 9. Media Accreditation

9.1 See also [Media Accreditation Process](#). This policy describes the process by which media personnel can become accredited with the Court of Appeal, the Supreme Court and the Provincial Court of British Columbia.

## 10. Judges' Reasons for Judgment

10.1 When a Judge issues written reasons for judgment, they will be filed with the Court Registry, where a copy may be obtained. In addition, written reasons for judgment are often available on the [Provincial Court's website](#). If, instead, the reasons for judgment are delivered orally without written reasons being provided, a transcript of oral reasons for judgment can be [ordered](#) and requests to listen to the audio recording of a proceeding may be made to the Court Registry in accordance with the [Access to Court Records Policy](#).

10.2 If it is anticipated there will be considerable media interest in a particular decision, efforts will be made by the Court to ensure that the decision is posted to the Court website as soon as possible after the decision has been delivered in Court.

## 11. Interviews by the Media

11.1 Judges of the Court speak through their decisions and Reasons for Judgment. Judges therefore do not comment on specific cases that are or have been before the Court or may come before the Court in the future.

### Contact:

Provincial Court Legal Officer

<http://www.provincialcourt.bc.ca/Media>

### Policy History:

Approved by: Governance Committee

History of Revisions:

- Reformats but does not change content of Section 2 and Section 4 "Policies Regarding Public and Media Access in the Provincial Court of British Columbia" February 2011, updated October 2011, and November 2012.



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- April 2014: Item 4.2, “Chief Judge” replaces “Court”.
- May 2014: Item 4.4 added.
- December 2017: reference revised to refer to current BC Supreme Court Practice Directive “Video Recording or Broadcasting of Court Proceedings”.
- April 2019: change to contact information.
- October 23, 2019: deleted Item 3.8 and revised Items 3.1 and 9.1.
- October 15, 2020: adds new section 1 and section 2.4 on access to virtual hearings with consequential updates to “Purpose of Policy” and the preamble under “Policy”; and adds reference to Notice to Accredited Media re Access to Provincial Court Proceedings during COVID-19 in section 4.1.