

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,322 of 13th NOVEMBER, 1986.

I ASSENT,
PETER TERRY,
GOVERNOR.
13th November, 1986.



GIBRALTAR No. 20 of 1986.

AN ACT to amend the Criminal Procedure Act (Act 1961 No. 24).

ENACTED by the Legislature of Gibraltar.

Short title.

1. This Act may be cited as the Criminal Procedure (Amendment) Act, 1986.

Replacement of Section 126.

2. The Criminal Procedure Act (hereinafter called the principal Act) is amended by repealing section 126 thereof and substituting therefor the following new section:

“Restrictions on reporting.

126.(1) Except as provided by sub-sections (2), (5) and (10) it shall not be lawful to publish in Gibraltar a written report, or to broadcast in Gibraltar a report, of any committal proceedings

in Gibraltar containing any matter other than that permitted by sub-section (6).

- (2) Subject to sub-section (3) a magistrates' court shall, on an application for the purpose made with reference to any committal proceedings by the defendant or one of the defendants, as the case may be, order that sub-section (1) shall not apply to reports of those proceedings.
- (3) Where in the case of two or more defendants one of them objects to the making of an order under sub-section (2), the court shall make the order if, and only if, it is satisfied, after hearing the representations of the defendant, that it is in the interests of justice to do so.
- (4) An order under sub-section (2) shall not apply to reports of proceedings under sub-section (3), but any decision of the court to make or not to make such an order may be contained in reports published or broadcast before the time authorised by sub-section (5).
- (5) It shall not be unlawful under this section to publish or broadcast a report of committal proceedings containing any matter other than that permitted by sub-section (6)-
 - (a) where the magistrates' court determines not to commit the defendant, or determines to commit none of the defendants for trial, after it so determines;
 - (b) where the court commits the defendant or any of the defendants for trial, after the conclusion of his trial or, as the case may be, the trial of the last to be tried;

and where at any time during the inquiry the court proceeds to try summarily the case of one or more of the defendants under section 104, 105 or 270, while committing the other defendant or one or more of the other defendants for trial, it shall not be unlawful under this section to publish or broadcast as part of a report of the summary trial, after the court determines to proceed as aforesaid, a report of so much of the committal

proceedings containing any such matter as takes place before the determination.

- (6) The following matters may be contained in a report of committal proceedings published or broadcast without an order under sub-section (2) before the time authorised by sub-section (5), that is to say-
- (a) the identity of the court and the names of the examining justices;
 - (b) the names, addresses and occupations of the parties and witnesses and the ages of the defendant or defendants and witnesses;
 - (c) the offence or offences, or a summary of them, with which the defendant or defendants is or are charged;
 - (d) the names of barristers and solicitors engaged in the proceedings;
 - (e) any decision of the court to commit the defendant or any of the defendants for trial, and any decision of the court on the disposal of the case of any defendants not committed;
 - (f) where the court commits the defendant or any of the defendants for trial, the charge or charges, or a summary of them, on which he is committed and the court to which he is committed;
 - (g) where the committal proceedings are adjourned, the date and place to which they are adjourned;
 - (h) any arrangements as to bail on committal or adjournment;
 - (i) whether legal aid was granted to the defendant or any of the defendants.

(7) If a report is published or broadcast in contravention of this section, the following persons, that is to say-

(a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;

(b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;

(c) in the case of a broadcast of a report, any body corporate which transmits or provides the programme in which the report is broadcast and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical,

is guilty of an offence and is liable on summary conviction to a fine of £500.

(8) Proceedings for an offence under this section shall not be instituted otherwise than by or with the consent of the Attorney-General.

(9) Sub-section (1) shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports and proceedings of the magistrates' and other courts

(10) For the purposes of this section committal proceedings shall, in relation to an information charging either an indictable offence or an offence which is to be tried on indictment at the instance of the defendant or the prosecutor, be deemed to include any proceedings in the magistrates' court before the court proceeds to inquire into the information as examining justices; but where a magistrates' court which has begun to try an information summarily discontinues the summary trial in pursuance of section 104(5) and proceeds to inquire into the information as examining justices, that circumstance shall not make it unlawful under this section for a 'report of any proceedings on the information which was published or broadcast before the

court determined to proceed as aforesaid to have been so published or broadcast.

(11) In this section-

"broadcast" means broadcast by wireless telegraphy sounds or visual images intended for general reception;

"publish", in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public.

Amendment of Section 127.

3. Section 127 of the principal Act is amended by omitting the expression "section 126 (3)", and substituting therefor the expression "section 126 (5)".

Passed by the Gibraltar House of Assembly on the 5th day of November, 1986.

P. A. GARBARINO
Clerk to the Assembly.