

10.5 REQUESTS FOR PERMISSION TO FILM OR RECORD JUDICIAL PROCEEDINGS

Requests for permission to film or record judicial proceedings are received from time to time. In order to standardise the procedure, the guidelines set forth hereunder are provided.

1. It is hereby emphasised that no person may film or electronically record judicial proceedings without the prior permission of the presiding Judge. The granting and the terms of any such permission is within the discretion of the presiding Judge. The permission may be withdrawn and the terms thereof altered at any time by the presiding Judge.
2. Any party who wishes to film or electronically record judicial proceedings must request permission from the presiding Judge (through his or her secretary) at the earliest and at least 24 hours beforehand. The secretary will then establish from the presiding Judge whether permission is given and, if so, on what terms.
3. It is a healthy practice for the party wishing to film or record proceedings to obtain and furnish the Judge with comments of known interested and affected parties at the time when the request is made.
4. The presiding Judge may, before granting or refusing permission or setting terms, ascertain whether there are any objections from interested and affected parties.
5. The following terms for permission to film or record judicial proceedings serve as guidelines only, which the presiding Judge in his or her discretions may or may not follow:
 - 5.1 Equipment limitations:
 - 5.1.1 Video: The media may install two small man-operated cameras, both on tripods and together with the necessary microphones, in the court; no film, video tape or lenses may be changed whilst the court is in session.
 - 5.1.2 Audio: The media may install their own audio recording system provided this is not obstructive and does not interfere with the proceedings. Individual journalists may bring tape recorders into the court room for the purposes of recording the proceedings but changing of cassettes is not permitted while the court is in session.
 - 5.1.3 Still cameras: Only one photographer will be allowed; the location of the camera may not be changed. No changing of lenses or film is permitted while the court is in session.
 - 5.1.4 Lighting: No movie lights, flash attachments or artificial lighting devices are permitted for filming court proceedings.
 - 5.1.5 Operating signals: no visible or audible light or signal may be used on any equipment.
 - 5.1.6 Only two video camera operators and one still camera operator may be present in court during the proceedings.
 - 5.1.7 All camera, video and audio equipment must be placed in a fixed, unobstructive position in the court and must be in position at least 15 minutes before the start of the proceedings. The equipment must be operated to minimise any distraction whilst the

court is in session, and may be moved or removed only when the court is not in session. Cameras, cables and the like must not interfere with the free movement inside the court.

5.1.8 Any problems which may arise during the recording of proceedings must be attended to during adjournments only.

5.2 Use of recordings:

5.2.1 Recordings may be used only in the form of edited highlights packages for delayed broadcasting in news bulletins and in programs relating to current affairs or matters of public interest.

5.2.2 The highlights packages must present a balanced and fair reflection of the proceedings.

5.2.3 The media must focus its recordings primarily on counsel arguing the matter, and/or on the Judge/s presiding.

5.3 Pooling Arrangements:

5.3.1 Only one media organisation may conduct the video, sound and still photography activities.

5.3.2 The media organisation must be selected by the media themselves. It must operate an open and impartial distribution scheme. The footage, sound or photographs must be distributed in a 'clean' form, that is with no visible logos etc., relating to any media organization, and must be archived in a manner which makes it freely available to other media.

5.3.3 If no agreement amongst media organisations can be reached on these arrangements, no audio, video or still photography coverage may take place.

5.3.4 All constraints imposed by the Broadcasting Act No 4 of 1999 and by the code of conduct of the Broadcasting Complaints Commission of South Africa will apply.

Practice Manual 98 January 2010

5.4 Behaviour of media representatives:

5.4.1 The conduct of all media representatives must be consistent with the decorum and dignity of the court.

5.4.2 No identifying names, marks, logos or symbols may be used on any equipment or clothing worn by media representatives.

5.4.3 All media representatives (including camera crew) must be appropriately dressed.

5.5 Further directions:

5.5.1 The Court may give further directions as it deems appropriate, including directions that portions of the proceedings may not be recorded, or that already recorded portions of the proceedings may not be publicized or distributed, and must be deleted.

5.5.2 The Court may at any stage suspend the filming or recording process if it regards the process to be disruptive of the proceedings.

5.6 There is an absolute bar on:

5.6.1 Recording (whether video or audio) of bench discussions;

5.6.2 Audio recording or close-up photography of matters of a private, confidential or privileged nature which may ensue between counsel, the attorneys and the parties.

5.6.3 Close-up photography of Judges, lawyers or litigants in court;

- 5.6.4 Recording (whether video or audio) which intrudes upon the privacy of the Judges, litigants, legal representatives and members of the public present at the proceedings.
- 5.6.5 The use of recordings (whether video or audio) for commercial or political advertising purposes;
- 5.6.6 The use of sound-bites without the prior consent of the presiding Judge. This does not apply to extracts from judgments or orders.
6. The following court decisions are relevant to the filming, electronic recording and broadcasting of judicial proceedings:
- *SA Broadcasting Corporation Ltd v Thatcher* [2005] 4 All SA 353 (C); and
 - *SA Broadcasting Corporation Ltd v National Director of Public Prosecutions* 2007 (1) SA 523 (CC).
7. Failure to comply with this practice directive and with the terms of any permission to film or electronically record judicial proceedings may lead to contempt of court charges.

10.6 CURATOR BONIS

1. At the first hearing of the application for the appointment of a curator bonis, the only relief granted is the appointment of a curator ad litem. All other relief is postponed sine die pending receipt of the curator ad litem's and the master's report.
2. The application is re-enrolled after the aforementioned reports have come to hand.
3. Save in exceptional circumstances, which must be established on affidavit, an application for the appointment of a curator bonis will not be heard if the aforementioned reports have not been filed in the court file.
4. The consent of both the curator ad litem and the proposed curator bonis must be annexed to the application.