



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 9

PARENTING ORDERS

Miscellaneous

111 Restriction on reporting proceedings relating to parenting orders

- (1) Subject to subsection (2), a person shall be guilty of an offence if the person publishes, anywhere in the world, any matter in respect of relevant proceedings which is intended, or likely to, identify—
- (a) the parent concerned in the proceedings (the “person concerned”);
 - (b) any address as being that of the person concerned;
 - (c) the child concerned in the proceedings;
 - (d) any other child—
 - (i) who is a member of the same household as the person concerned; or
 - (ii) of whom the person concerned is a parent; or
 - (e) any—
 - (i) address; or
 - (ii) school,as being that of a child mentioned in paragraph (c) or (d).
- (2) In relevant proceedings, the court may, in the interests of justice, order that subsection (1) shall not apply to the proceedings to such extent as the court considers appropriate.
- (3) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) It shall be a defence for a person charged with an offence under subsection (1) to show that the person—
- (a) did not know; and

Status: This is the original version (as it was originally enacted).

- (b) had no reason to suspect,
that the published matter was intended, or was likely, to identify the person concerned,
child, address or school (as the case may be).
- (5) Section 46 of the Children and Young Persons (Scotland) Act 1937 (c. 37) shall
apply in relation to relevant proceedings only in respect of a person concerned in the
proceedings as a witness.
- (6) A child in whose interests a parenting order has been made shall be regarded as a
person who falls within subsection (1)(a) of section 47 of the Criminal Procedure
(Scotland) Act 1995 (c. 46) for the purposes of that section in its application to
proceedings in respect of the commission of an offence under section 107(1) in respect
of that order.
- (7) In this section—
“programme service” has the meaning given by section 201 of the Broadcasting
Act 1990 (c. 42);
“publishes” includes—
(a) causing to be published; and
(b) publishing in a programme service,
and “published” shall be construed accordingly; and
“relevant proceedings” means—
(a) proceedings before a sheriff for the purpose of considering whether to
make a parenting order under section 13(1);
(b) proceedings before a sheriff on an application for the making of a
parenting order under section 102(1);
(c) proceedings before a sheriff on an application for the variation, or
revocation, of a parenting order under section 105(1);
(d) proceedings before a sheriff for the purpose of considering whether to
make an order under section 105(5);
(e) an appeal arising from proceedings such as are mentioned in paragraphs
(a) to (d).