



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 18

#### MISCELLANEOUS

##### *Publishing restrictions*

#### **182 Publishing restrictions**

- (1) A person must not publish protected information if the publication of the information is intended, or is likely, to identify—
  - (a) a child mentioned in the protected information, or
  - (b) an address or school as being that of such a child.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) It is a defence for a person ("P") charged with a contravention of subsection (1) to show that P did not know or have reason to suspect that the publication of the protected information was likely to identify a child mentioned in the protected information, or, as the case may be, an address or school of such a child.
- (4) In relation to proceedings before a children's hearing, the Scottish Ministers may in the interests of justice—
  - (a) dispense with the prohibition in subsection (1), or
  - (b) relax it to such extent as they consider appropriate.
- (5) In relation to proceedings before the sheriff under Part 10 or 15, the sheriff may in the interests of justice—
  - (a) dispense with the prohibition in subsection (1), or
  - (b) relax it to such extent as the sheriff considers appropriate.
- (6) In relation to proceedings in an appeal to the Court of Session under this Act, the Court may in the interests of justice—
  - (a) dispense with the prohibition in subsection (1), or
  - (b) relax it to such extent as the Court considers appropriate.

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*Status: This is the original version (as it was originally enacted).*

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- (7) The prohibition in subsection (1) does not apply in relation to the publication by or on behalf of a local authority or an adoption agency of information about a child for the purposes of making arrangements in relation to the child under this Act or the Adoption and Children (Scotland) Act 2007 (asp 4).
- (8) In subsection (7), “adoption agency” has the meaning given by the Adoption and Children (Scotland) Act 2007.
- (9) In this section—
- “protected information” means—
- (a) information in relation to—
    - (i) a children’s hearing,
    - (ii) an appeal against a decision of a children’s hearing,
    - (iii) proceedings before the sheriff under Part 10 or 15, or
    - (iv) an appeal from any decision of the sheriff or sheriff principal made under this Act, or
  - (b) information given to the Principal Reporter in respect of a child in reliance on, or satisfaction of, a provision of this Act or any other enactment,
- “publish” includes in particular—
- (a) to publish matter in a programme service, as defined by section 201 of the Broadcasting Act 1990 (c.42), and
  - (b) to cause matter to be published.