



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.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 182 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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—
- [^{F1}“children’s hearing” includes a pre-hearing panel,]
- “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.

Textual Amendments

- F1** Definition in s. 182(9) inserted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 20(20)**

Commencement Information

- I1** S. 182 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 182(9) words substituted by [2020 asp 16 s. 27\(7\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)