
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART XVI

JURISDICTION AND PROCEDURE

Privacy for children involved in certain proceedings

170.—(1) Rules of court may make provision for the court to sit in private in proceedings in which any powers under this Order may be exercised by the court with respect to any child.

(2) No person shall publish any material which is intended, or likely, to identify—

- (a) any child as being involved in any proceedings in which any power under this Order may be exercised by the court with respect to that or any other child; or
- (b) an address or school as being that of a child involved in any such proceedings.

(3) In any proceedings for an offence under this Article it shall be a defence for a person to prove that he did not know, and had no reason to suspect, that the published material was intended, or likely, to identify the child.

(4) The court may, if satisfied that the welfare of the child requires it, by order dispense with the requirements of paragraph (2) to such extent as may be specified in the order.

(5) The Lord Chancellor may, if satisfied that the welfare of the child requires it, make a direction dispensing with the requirements of paragraph (2) to such extent as may be specified in the direction.

(6) This paragraph applies to any proceedings other than criminal proceedings or proceedings to which paragraph (2) applies.

(7) In relation to any proceedings to which paragraph (6) applies, the court may direct that no person shall publish any material which is intended, or likely, to identify—

- (a) any child as being involved in those proceedings; or
- (b) an address or school as being that of a child involved in any such proceedings,

except in so far (if at all) as may be permitted by the direction of the court.

(8) For the purposes of this Article—

“publish” includes—

- (a) include in a programme service (within the meaning of the Broadcasting Act 1990(1));
- (b) cause to be published; and

“material” includes any picture or representation.

(9) Any person who contravenes this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) Paragraph (1) is without prejudice to—

- (a) the generality of any other power to make rules of court; or
- (b) any other power of the court to sit in private.

(11) Articles 89 and 90 of the Magistrates' Courts (Northern Ireland) Order 1981⁽²⁾ (domestic proceedings—sitting of court and newspaper reports) shall apply in relation to any proceedings to which this Article applies subject to the provisions of this Article.

(2) 1981 NI 26