
STATUTORY INSTRUMENTS

1996 No. 1921

The Industrial Tribunals (Northern Ireland) Order 1996

Procedure

Restriction of publicity in cases involving sexual misconduct

- 13.—(1) Industrial tribunal procedure regulations may include provision—
- (a) for cases involving allegations of the commission of sexual offences, for securing that the registration or other making available of documents or decisions shall be so effected as to prevent the identification of any person affected by or making the allegation, and
 - (b) for cases involving allegations of sexual misconduct, enabling an industrial tribunal, on the application of any party to proceedings before it or of its own motion, to make a restricted reporting order having effect (if not revoked earlier) until the promulgation of the decision of the tribunal.
- (2) If any identifying matter is published or included in a relevant programme in contravention of a restricted reporting order—
- (a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,
 - (b) in the case of publication in any other form, the person publishing the matter, and
 - (c) in the case of matter included in a relevant programme—
 - (i) any body corporate engaged in providing the service in which the programme is included, and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) Where a person is charged with an offence under paragraph (2) it is a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication or programme in question was of, or included, the matter in question.
- (4) In this Article—
- “identifying matter”, in relation to a person, means any matter likely to lead members of the public to identify him as a person affected by, or as the person making, the allegation,
- “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990,
- “restricted reporting order” means an order—
- (a) made in exercise of a power conferred by regulations made by virtue of this Article, and
 - (b) prohibiting the publication in Northern Ireland of identifying matter in a written publication available to the public or its inclusion in a relevant programme for reception in Northern Ireland,

“sexual misconduct” means the commission of a sexual offence, sexual harassment or other adverse conduct (of whatever nature) related to sex, and conduct is related to sex whether the relationship with sex lies in the character of the conduct or in its having reference to the sex or sexual orientation of the person at whom the conduct is directed,

“sexual offence” means—

- (a) rape, aiding, abetting, counselling or procuring rape or attempted rape, incitement to rape, conspiracy to rape or burglary with intent to rape;
- (b) any offence under any of the following statutory provisions, namely—
 - (i) section 52, 61 or 62 of the Offences Against the Person Act 1861;
 - (ii) section 3, 4 or 5 of the Criminal Law Amendment Act 1885;
 - (iii) section 1 or 2 of the Punishment of Incest Act 1908;
 - (iv) section 22 of the Children and Young Persons Act (Northern Ireland) 1968;
- (v) Article 9 of the Criminal Justice (Northern Ireland) Order 1980;
- (vi) Article 122(1)(a) or (b) or 123 of the Mental Health (Northern Ireland) Order 1986;
- (c) any attempt to commit any of the offences mentioned in sub-paragraph (a) or (b);

“written publication” includes a film, a sound track and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.