ACCESS TO JUSTICE ACT 1999

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EXPLANATORY NOTES

C.

APPEALS, COURTS, ETC. (PART IV - SECTIONS 54-73)

Commentary

Court proceedings

238.   **Section 71: Adjournment of inquest in event of judicial inquiry.** This section provides for the indefinite adjournment of an inquest when a judicial inquiry is established that would constitute adequate investigation into the death or deaths concerned. The intention is to prevent duplication of proceedings which can cause unnecessary distress to the bereaved and other witnesses. Subsection (4) allows for the coroner to resume the inquest after the completion of the inquiry in exceptional circumstances, for example if there was a doubt whether the death had in fact been caused by the incident subject to the inquiry.

239.   **Section 72: Reporting of proceedings relating to children.** This section amends section 97 of the Children Act 1989 to prohibit the publication of information identifying a child who is (or has been) the subject of proceedings under that Act in the High Court or a county court. Section 97(4) of the 1989 Act allows the court to authorise publication where that is in the interests of the child. Section 72 unifies the law on the reporting of Children Act cases in all levels of court, by extending the existing prohibition which applies only to magistrates' courts.

   •   For this purpose, a *child* means any person under 18 years of age.

240.   **Section 73: Power to allow children to attend criminal proceedings.** Section 73(1) permits children under 14 to attend criminal trials in England and Wales, with the consent of the court. It does so by amending section 36 of the Children and Young Persons Act 1933, which prohibits children (that is, young people under the age of 14) from attending criminal trials unless they are a defendant, a witness, an infant in arms, or their presence is required for the purposes of justice. Section 73(2) makes a comparable change for Scotland. The purpose of this section is to allow children to visit courts for educational purposes.