

CHILDREN, SCHOOLS AND FAMILIES ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Family Proceedings

Section 12: Authorised publication of court orders and judgments

50. **Section 12** establishes what is an authorised publication of a relevant court order or judgment. These differ in their default position, as explained below.
51. **Subsection (1)** covers court orders, for which the default position is publication. Any publication of the text or a summary of the whole or a part of an order made in proceedings (other than adoption proceedings or parental order proceedings) which does not contain identification information (defined in section 21) relating to an individual involved in the proceedings is authorised, unless the court specifically directs otherwise. Thus, an order in relevant family proceedings other than adoption proceedings or parental order proceedings may be published provided it is anonymised or redacted so that no identification information relating to a person involved in the proceedings is included in the publication; but permission is required from the court to publish the identification information. Orders in adoption proceedings and parental order proceedings (defined in *subsection (5)*) may not be published unless the court expressly permits it and permission may be granted subject to conditions which the court may choose to impose (*subsection (4)* allows for the imposition of conditions).
52. **Subsection (2)** covers court judgments, for which the default position is non-publication. This (as with the similar position for orders in adoption or parental order proceedings) reflects the greater likelihood that the judgment will contain information which, if it were published, would carry a risk of harm to the welfare of a child or other person involved in proceedings. Any publication of the text or a summary of the whole or part of the judgment will be authorised only to the extent specifically directed by the court. Thus a judgment released for publication on the BAILII website, for example, will be publishable freely, while a judgment handed down with no other indication will not be publishable.
53. **Subsection (3)** allows for the court's powers to permit, prohibit or restrict publication of orders and judgments to be exercisable not only on application but also on the court's own initiative.