

# CHILDREN, SCHOOLS AND FAMILIES ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Family Proceedings**

##### *Section 17: Defences to contempt of court*

71. *Section 17* provides for defences available when information relating to proceedings has been published but is either automatically restricted or restricted by order of the court. The defences will not be available where the person publishing either knew, or had reason to suspect, that the information was restricted. Ignorance of the legislation will not be a defence.
72. There are three defences, all based on ignorance of the nature of the information. In *subsection (2)*, the defence is that the person did not know, and had no reason to suspect, that the information was information relating to the proceedings. In *subsection (3)*, the defence is that person obtained the information from a previous publication and did not know and had no reason to suspect that the previous publication was not an authorised news publication (for example, if it turned out that the previous publication involved information not all of which was obtained by an accredited news representative attending the proceedings in accordance with condition 1 in section 13, and the later publisher had no reason to suspect this). In *subsection (4)*, the defence is that, in a case where all other conditions for a publication to be an authorised publication were met, except condition 3, the person did not know and had no reason to suspect that the information was identification information, sensitive personal information, restricted adoption information or restricted parental order information. (Condition 3 is defined above under section 13). The defence in subsection (4) would not be available to a person publishing in breach of a specific restriction imposed by the court.