

## SCHEDULES

### SCHEDULE 1

Section 19

#### AMENDMENTS OF PART 2 RELATING TO SENSITIVE PERSONAL INFORMATION

- 1 This Part of this Act is amended as follows.
- 2 The following provisions are omitted—
- (a) in section 13 (authorised news publications), subsection (4)(a)(ii) (but not the “or” after it);
  - (b) in section 16 (prohibiting or restricting publication for the purposes of section 13), subsection (3)(b) (but not the “or” after it);
  - (c) in section 17 (defences to contempt of court), subsection (4)(b)(ii) (but not the “or” after it);
  - (d) in section 21 (interpretation of Part)—
    - (i) in subsection (1), the definition of “sensitive personal information”;
    - (ii) subsection (4)(b);
  - (e) Schedule 2 (list of sensitive personal information).
- 3 In section 16 (prohibiting or restricting publication for purposes of section 13), for subsection (2) there is substituted—
- “(2) This subsection applies if the court considers that, despite the fact the publication satisfies Condition 3 in section 13, there is a real risk that in the absence of the prohibition or restriction the publication would—
- (a) prejudice—
    - (i) the safety of any person,
    - (ii) the welfare of a child or vulnerable adult, or
    - (iii) the interests of justice in the proceedings in question, or
  - (b) be an unreasonable infringement of the privacy of any person.”

### SCHEDULE 2

Section 21

#### SENSITIVE PERSONAL INFORMATION

- 1 Information which relates to the proceedings or the subject matter of the proceedings and—
- (a) which a child who is involved or referred to in the proceedings has provided to a party to the proceedings or to a person called, or whom it is proposed to call, as a witness in the proceedings, or
  - (b) which such a child has provided to any other person and which has been, or is expected to be, referred to in the proceedings.
- 2 Information which—

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- (a) relates to a medical, psychological or psychiatric condition of any person, and
  - (b) has been, or is expected to be, referred to in the proceedings.
- 3 Information which—
- (a) relates to a medical, psychological or psychiatric examination or evaluation of any person, and
  - (b) has been, or is expected to be, referred to in the proceedings,
- other than information relating to the identity of the person who carried out the examination or evaluation.
- 4 Information which—
- (a) relates to any health care, treatment or therapy which it is proposed to provide, or which is being or has been provided, to any person, and
  - (b) has been, or is expected to be, referred to in the proceedings.

## SCHEDULE 3

Section 25

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### CHILDREN AND SCHOOLS

##### *Education Act 1996 (c. 56)*

- 1 In section 19 (exceptional provision of education in short stay schools or elsewhere), in subsections (2)(a) and (2B)(a), for “such children” there is substituted “children falling within subsection (1)”.
- 2 (1) Section 580 (index) is amended as follows.
- (2) In the entry for “sex education”, for “section 352(3)” there is substituted “section 579(1)”.

#### PART 2

#### FAMILY PROCEEDINGS

##### *Children and Young Persons Act 1933 (c. 12)*

- 3 In section 39 (power to prohibit publication of certain matters in newspapers), after subsection (2) there is inserted—
- “(2A) Nothing in this section applies in relation to proceedings to which section 11 of the Children, Schools and Families Act 2010 (restriction on publication of information relating to family proceedings) applies.”

*Administration of Justice Act 1960 (c. 65)*

- 4 (1) Section 12 (publication of information relating to proceedings in private) is amended as follows.
- (2) In subsection (1), paragraph (a) is omitted.
- (3) After subsection (4) there is inserted—
- “(5) Subsection (1) is subject to Part 2 of the Children, Schools and Families Act 2010 (family proceedings), and nothing in subsection (2) applies in relation to a contempt of court under section 11 of that Act (restriction on publication of information relating to family proceedings).”
- 5 In Schedule 2 (modifications of Act in relation to Northern Ireland), in Part 2, in sub-paragraph (1) of the modifications of section 12 for “For paragraph (a) of subsection (1) there shall be substituted” there is substituted “Before paragraph (b) of subsection (1) there is inserted”.

*Magistrates’ Courts Act 1980 (c. 43)*

- 6 In section 69 (sittings of magistrates’ courts for family proceedings), subsections (2) to (6) are omitted.
- 7 Section 71 (newspaper reports of family proceedings) is omitted.
- 8 (1) Section 145 (rules of court: supplementary provision) is amended as follows.
- (2) In subsection (1), in paragraph (ga), for the words from “proceedings” to “1960” there is substituted “family proceedings”.
- (3) After that subsection there is inserted—
- “(1A) In subsection (1)(ga) “family proceedings which are held in private” means family proceedings at which the public have no right to be present.”

*Matrimonial and Family Proceedings Act 1984 (c. 42)*

- 9 In section 40 (family proceedings rules), after subsection (4) there is inserted—
- “(4A) In subsection (4)(aa) “family proceedings held in private” means family proceedings at which the public have no right to be present.”

*Children Act 1989 (c. 41)*

- 10 In section 97 (privacy for children involved in certain proceedings), subsections (2) to (9) are omitted.
- 11 In section 104 (regulations and orders), in subsection (1), for “, 84 or 97(4)” there is substituted “or 84”.

*Adoption and Children Act 2002 (c. 38)*

- 12 In section 101 (privacy in adoption proceedings), subsection (1) is omitted.
- 13 In section 141 (rules of procedure), after subsection (6) there is inserted—

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“(7) In subsection (6) “proceedings held in private” means proceedings at which the public have no right to be present.”

*Courts Act 2003 (c. 39)*

14 In section 76 (further provision about scope of Family Procedure Rules), after subsection (2A) there is inserted—

“(2B) In subsection (2A) “family proceedings held in private” means family proceedings at which the general public have no right to be present.”

SCHEDULE 4

Section 25

REPEALS

**PART 1**

CHILDREN AND SCHOOLS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Education Act 1996 (c. 56)	In section 19(6)— (a) the definition of “relevant school”; (b) in the definition of “suitable education”, the words “(and “suitable full-time education” is to be read accordingly)”.

**PART 2**

FAMILY PROCEEDINGS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Administration of Justice Act 1960 (c. 65)	Section 12(1)(a).
Magistrates’ Courts Act 1980 (c. 43)	Section 69(2) to (7). Section 71. Section 145(1)(ga) and (1A).
Broadcasting Act 1980 (c. 64)	In Schedule 20, paragraphs 29(2) and 53.
Children Act 1989 (c. 41)	Section 97(2) to (9). In Schedule 11, in paragraph 8(c), the words “, (2), (3) and (4)” and “71(1) and (2)”. In Schedule 13, paragraph 14.
Courts and Legal Services Act 1990 (c. 41)	In Schedule 16, paragraph 24.

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
Access to Justice Act 1999 (c. 22)	In Schedule 18, paragraph 25(6). Section 72.
Adoption and Children Act 2002 (c. 38)	Section 101(1) and (2). In section 101(3), the words “and (2)”. In Schedule 3, paragraphs 38 and 39.
Courts Act 2003 (c. 39)	In Schedule 8, paragraph 337(3).
Children Act 2004 (c. 31)	Sections 62(1) and (4).
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraph 208.
Children, Schools and Families Act 2010 (c. 26)	Section 13(4)(a)(ii) (but not the word “or” after it). Section 16(3)(b) (but not the word “or” after it). Section 17(4)(b)(ii) (but not the word “or” after it). In section 21— (a) in subsection (1), the definition of “sensitive personal information”; (b) subsection (4)(b). Schedule 2. In Schedule 3, paragraph 8.