

# CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 18 – Miscellaneous

#### Publishing restrictions

#### *Section 182 – Publishing restrictions*

264. This section prohibits the publication of certain information about proceedings at a Children's Hearing or court proceedings under this Act. This provision applies to any person and could therefore include journalists and their publishers as well as panel members, the Principal Reporter, social workers, parents and other relatives.
265. Subsection (1) prohibits the publication of protected information if it is intended that publication will, or is likely to, lead to the identification of the child or the child's address or school. Subsection (2) provides that a breach of section 182(1) is an offence. A single publication can constitute many offences if different people are involved in its publication. Subsection (3) provides that it is a defence if the person can prove that they did not intend, know or have reason to suspect that publication would lead to the identification of the child or the child's address or school. Subsections (4) to (6) provide for the restriction on publication to be waived or lessened by the sheriff or the Court of Session in relation to proceedings before them, and by the Scottish Ministers in relation to proceedings before a Children's Hearing if this is in the interests of justice. Subsections (7) and (8) provide that the publication of information about a child by a local authority or an adoption agency is not an offence under this section where it is for the purposes of making arrangements in relation to the child under the Act or the Adoption and Children (Scotland) Act 2007.
266. Subsection (9) defines "protected information" and "publish" for the purposes of this section. "Protected information" includes information relating to various stages of the Children's Hearings process and information given to the Principal Reporter. "Publish" includes to publish matters in a programme service within the meaning of the Broadcasting Act 1990, thus including a television or radio programme or service (including digital), or teletext.