



# Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

## 2016 asp 2

### *The inquiry*

#### **22 Publishing restrictions in relation to children**

- (1) Subsection (2) applies where a child is involved in an inquiry.
- (2) The sheriff may order that no person may publish any material by which the child may be identified in connection with the inquiry.
- (3) Such material includes (but is not limited to)—
  - (a) the child's name or address,
  - (b) the name of a school attended by the child,
  - (c) a picture of the child.
- (4) The sheriff may make an order under subsection (2)—
  - (a) on the sheriff's own initiative, or
  - (b) on the application of the procurator fiscal or a participant in the inquiry.
- (5) A person who fails to comply with an order under subsection (2) commits an offence.
- (6) A person who commits an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) It is a defence for a person charged with an offence under subsection (5) to show that the person did not know or have reason to believe that the publication of the material would identify the child in connection with the inquiry.
- (8) In this section—

“material” means anything that is capable of being read, looked at, watched or listened to, either directly or after conversion from data stored in another form,

“publish” includes in particular—

  - (a) to publish in a programme service, as defined by section 201 of the Broadcasting Act 1990,
  - (b) to cause to be published.

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**Changes to legislation:** *Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 22 is up to date with all changes known to be in force on or before 04 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### **Commencement Information**

**II** [S. 22](#) in force at 15.6.2017 by [S.S.I. 2017/155](#), [reg. 2](#) (with [reg. 5](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 3\(1\)](#)
- Sch. A1 inserted by [2023 c. 41 Sch. 11 para. 3\(2\)](#)