



Children Act 1989

1989 CHAPTER 41

PART XII

MISCELLANEOUS AND GENERAL

Jurisdiction and procedure etc.

97 Privacy for children involved in certain proceedings.

- (1) Rules made under section 144 of the ^{M1}Magistrates' Courts Act 1980 may make provision for a magistrates' court to sit in private in proceedings in which any powers under this Act may be exercised by the court with respect to any child.
- (2) No person shall publish [^{F1}to the public at large or any section of the public] any material which is intended, or likely, to identify—
 - (a) any child as being involved in any proceedings before [^{F2}the High Court, a county court or] a magistrates' court in which any power under this Act may be exercised by the court with respect to that or any other child; or
 - (b) an address or school as being that of a child involved in any such proceedings.
- (3) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he did not know, and had no reason to suspect, that the published material was intended, or likely, to identify the child.
- (4) The court or the [^{F3}Lord Chancellor] may, if satisfied that the welfare of the child requires it, by order dispense with the requirements of subsection (2) to such extent as may be specified in the order.
- (5) For the purposes of this section—

“publish” includes—

 - [^{F4}(a) include in a programme service (within the meaning of the Broadcasting Act 1990);]
 - (b) cause to be published; and

Status: Point in time view as at 12/04/2005. This version of this provision has been superseded.

Changes to legislation: Children Act 1989, Section 97 is up to date with all changes known to be in force on or before 22 May 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)

“material” includes any picture or representation.

- (6) Any person who contravenes this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (7) Subsection (1) is without prejudice to—
- (a) the generality of the rule making power in section 144 of the Act of 1980; or
 - (b) any other power of a magistrates’ court to sit in private.
- (8) [^{F5}Sections 69 (sittings of magistrates’; courts for family proceedings) and 71 (newspaper reports of certain proceedings) of the Act of 1980] shall apply in relation to any proceedings [^{F6}(before a magistrates’ court)] to which this section applies subject to the provisions of this section.

Textual Amendments

- F1** Words in s. 97(2) inserted (12.4.2005) by [Children Act 2004 \(c. 31\), s. 62\(1\)](#); [S.I. 2005/847, art. 2](#)
- F2** Words in s. 97(2) inserted (27.9.1999) by [1999 c. 22, ss. 72, 108\(3\)](#) (with s. 107, [Sch. 14 para. 7\(2\)](#))
- F3** Words in s. 97(4) substituted (1.4.1992) by [S.I. 1992/709, art. 3\(2\)](#), [Sch. 2](#) (with art. 5(2)).
- F4** Words in s. 97(5) substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\), s. 203\(1\)](#), [Sch. 20 para. 53](#)
- F5** Words in s. 97(8) substituted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 116, Sch. 16 para. 24](#); [S.I. 1991/1883, art. 3, Sch.](#)
- F6** Words in s. 97(8) inserted (27.7.1999) by [1999 c. 22, ss. 72, 108\(3\)](#) (with s. 107, [Sch. 14 para. 7\(2\)](#))

Modifications etc. (not altering text)

- C1** S. 97(2) excluded (27.9.1999) by [1999 c. 22, ss. 105, 108\(1\)](#), [Sch. 14 Pt. IV para. 18](#) (with s. 107, [Sch. 14 para. 7\(2\)](#))
- C2** S. 97(4): functions of the Secretary of State transferred to the Lord Chancellor (1.4.1992) by [S.I. 1992/709, art. 3\(1\)](#), [Sch. 2](#) (with art. 5(2)).

Commencement Information

- I1** S. 97 in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

Marginal Citations

- M1** [1980 c. 43.](#)

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