



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART VIII

#### MISCELLANEOUS

#### **62 Restriction of publicity: industrial tribunals**

- (1) This section applies to proceedings on a complaint under section 8 in which evidence of a personal nature is likely to be heard by the industrial tribunal hearing the complaint.
- (2) The power of the Secretary of State to make regulations with respect to the procedure of industrial tribunals includes power to make provision in relation to proceedings to which this section applies for—
  - (a) enabling an industrial tribunal, on the application of the complainant or of its own motion, to make a restricted reporting order having effect (if not revoked earlier) until the promulgation of the tribunal's decision; and
  - (b) where a restricted reporting order is made in relation to a complaint which is being dealt with by the tribunal together with any other proceedings, enabling the tribunal to direct that the order is to apply also in relation to those other proceedings or such part of them as the tribunal may direct.
- (3) If any identifying matter is published or included in a relevant programme in contravention of a restricted reporting order—
  - (a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,
  - (b) in the case of publication in any other form, the person publishing the matter, and
  - (c) in the case of matter included in a relevant programme—
    - (i) any body corporate engaged in providing the service in which the programme is included, and
    - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper,

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*Status: This is the original version (as it was originally enacted).*

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shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (4) Where a person is charged with an offence under subsection (3), it is a defence to prove that at the time of the alleged offence—
- (a) he was not aware, and
  - (b) he neither suspected nor had reason to suspect,
- that the publication or programme in question was of, or included, the matter in question.
- (5) Where an offence under subsection (3) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person purporting to act in any such capacity,
- he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (6) In relation to a body corporate whose affairs are managed by its members “director”, in subsection (5), means a member of the body corporate.
- (7) In this section—
- “evidence of a personal nature” means any evidence of a medical, or other intimate, nature which might reasonably be assumed to be likely to cause significant embarrassment to the complainant if reported;
  - “identifying matter” means any matter likely to lead members of the public to identify the complainant or such other persons (if any) as may be named in the order;
  - “promulgation” has such meaning as may be prescribed by the regulations;
  - “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990;
  - “restricted reporting order” means an order—
    - (a) made in exercise of the power conferred by regulations made by virtue of this section; and
    - (b) prohibiting the publication in Great Britain of identifying matter in a written publication available to the public or its inclusion in a relevant programme for reception in Great Britain; and
  - “written publication” includes a film, a soundtrack and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.