



Employment Tribunals Act 1996

1996 CHAPTER 17

PART II

THE EMPLOYMENT APPEAL TRIBUNAL

Procedure

32 Restriction of publicity in disability cases.

- (1) This section applies to proceedings—
 - (a) on an appeal against a decision of an industrial tribunal to make, or not to make, a restricted reporting order, or
 - (b) on an appeal against any interlocutory decision of an industrial tribunal in proceedings in which the industrial tribunal has made a restricted reporting order which it has not revoked.
- (2) Appeal Tribunal procedure rules may, as respects proceedings to which this section applies, include provision for—
 - (a) enabling the Appeal 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 decision of the Appeal Tribunal, and
 - (b) where a restricted reporting order is made in relation to an appeal which is being dealt with by the Appeal Tribunal together with any other proceedings, enabling the Appeal Tribunal to direct that the order is to apply also in relation to those other proceedings or such part of them as the Appeal 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

Status: Point in time view as at 22/08/1996. This version of this provision has been superseded.

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- (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,
- 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 he was not aware, and 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) “Restricted reporting order” means—
- (a) in subsection (1), an order which is a restricted reporting order for the purposes of section 12, and
 - (b) in subsections (2) and (3), an order—
 - (i) made in exercise of a power conferred by rules made by virtue of this section, and
 - (ii) 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.
- (8) In this section—
- “complainant” means the person who made the complaint to which the proceedings before the Appeal Tribunal relate,
- “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 rules made by virtue of this section,
- “relevant programme” means a programme included in a programme service, within the meaning of the ^{M1}Broadcasting Act 1990, and
- “written publication” includes a film, a sound track and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.

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Commencement Information

II S. 32 wholly in force at 22.8.1996 with effect as mentioned in Sch. 2 Pt. II para. 7(7)(8) and S.I. 1996/3150, **art. 2**

Marginal Citations

M1 1990 c. 42.

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