

SCHEDULES

SCHEDULE 3

FRAUD

Reporting restrictions

6 The following sections shall be substituted for section 11 (reporting restrictions)—

“11 Restrictions on reporting

- (1) Except as provided by this section—
 - (a) no written report of proceedings falling within subsection (2) below shall be published in Great Britain;
 - (b) no report of proceedings falling within subsection (2) below shall be included in a relevant programme for reception in Great Britain.
- (2) The following proceedings fall within this subsection—
 - (a) an application under section 6(1) above;
 - (b) a preparatory hearing;
 - (c) an application for leave to appeal in relation to such a hearing;
 - (d) an appeal in relation to such a hearing.
- (3) The judge dealing with an application under section 6(1) above may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of the application.
- (4) The judge dealing with a preparatory hearing may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—
 - (a) the preparatory hearing, or
 - (b) an application to the judge for leave to appeal to the Court of Appeal under section 9(11) above in relation to the preparatory hearing.
- (5) The Court of Appeal may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—
 - (a) an appeal to the Court of Appeal under section 9(11) above in relation to a preparatory hearing,
 - (b) an application to that Court for leave to appeal to it under section 9(11) above in relation to a preparatory hearing, or
 - (c) an application to that Court for leave to appeal to the House of Lords under Part II of the Criminal Appeal Act 1968 in relation to a preparatory hearing.
- (6) The House of Lords may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—

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- (a) an appeal to that House under Part II of the Criminal Appeal Act 1968 in relation to a preparatory hearing, or
 - (b) an application to that House for leave to appeal to it under Part II of the Criminal Appeal Act 1968 in relation to a preparatory hearing.
- (7) Where there is only one accused and he objects to the making of an order under subsection (3), (4), (5) or (6) above the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.
- (8) Where there are two or more accused and one or more of them objects to the making of an order under subsection (3), (4), (5) or (6) above the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.
- (9) Subsection (1) above does not apply to—
- (a) the publication of a report of an application under section 6(1) above, or
 - (b) the inclusion in a relevant programme of a report of an application under section 6(1) above,
- where the application is successful.
- (10) Where—
- (a) two or more persons are jointly charged, and
 - (b) applications under section 6(1) above are made by more than one of them,
- subsection (9) above shall have effect as if for the words “the application is” there were substituted “all the applications are”.
- (11) Subsection (1) above does not apply to—
- (a) the publication of a report of an unsuccessful application made under section 6(1) above,
 - (b) the publication of a report of a preparatory hearing,
 - (c) the publication of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,
 - (d) the inclusion in a relevant programme of a report of an unsuccessful application made under section 6(1) above,
 - (e) the inclusion in a relevant programme of a report of a preparatory hearing, or
 - (f) the inclusion in a relevant programme of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,
- at the conclusion of the trial of the accused or of the last of the accused to be tried.
- (12) Subsection (1) above does not apply to a report which contains only one or more of the following matters—

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- (a) the identity of the court and the name of the judge;
 - (b) the names, ages, home addresses and occupations of the accused and witnesses;
 - (c) any relevant business information;
 - (d) the offence or offences, or a summary of them, with which the accused is or are charged;
 - (e) the names of counsel and solicitors in the proceedings;
 - (f) where the proceedings are adjourned, the date and place to which they are adjourned;
 - (g) any arrangements as to bail;
 - (h) whether legal aid was granted to the accused or any of the accused.
- (13) The addresses that may be published or included in a relevant programme under subsection (12) above are addresses—
- (a) at any relevant time, and
 - (b) at the time of their publication or inclusion in a relevant programme;
- and “relevant time” here means a time when events giving rise to the charges to which the proceedings relate occurred.
- (14) The following is relevant business information for the purposes of subsection (12) above—
- (a) any address used by the accused for carrying on a business on his own account;
 - (b) the name of any business which he was carrying on on his own account at any relevant time;
 - (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
 - (d) the address of any such firm;
 - (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
 - (f) the address of the registered or principal office of any such company;
 - (g) any working address of the accused in his capacity as a person engaged by any such company;
- and here “engaged” means engaged under a contract of service or a contract for services, and “relevant time” has the same meaning as in subsection (13) above.
- (15) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.
- (16) In this section—
- (a) “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;
 - (b) expressions cognate with “publish” shall be construed accordingly;
 - (c) “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

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11A Offences in connection with reporting

- (1) If a report is published or included in a relevant programme in contravention of section 11 above each of the following persons is guilty of an offence—
 - (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.
- (3) Proceedings for an offence under this section shall not be instituted in England and Wales otherwise than by or with the consent of the Attorney General.
- (4) Subsection (16) of section 11 above applies for the purposes of this section as it applies for the purposes of that.”

7 In the list in section 17(2) (provisions extending to Scotland) after the entry relating to section 11 there shall be inserted “section 11A;”.