

CHILDREN, SCHOOLS AND FAMILIES ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Family Proceedings

Section 15: Permitting publication for the purposes of section 13: adoption etc

63. *Section 15* provides the conditions for the court to exercise its power to relax the automatic restrictions on publication of “restricted adoption information” or “restricted parental order information”. This is information which would lead to the identification of any person as someone who is, or may be, an adopter or adopted person, or the equivalent for parental orders (as defined in *subsection (9)*). This includes information about the whereabouts of such a person.
64. *Subsection (4)* requires the court to be satisfied that the publication of any such information will not prejudice the welfare of the person subject to the adoption or parental order where that person either is a child, lacks the capacity to consent to the publication or cannot be found. It should be noted that the reference to “welfare” does not relate to the upbringing of the child, and there is no intention in using that general term to indicate that the welfare checklist in section 1 of the Children Act 1989 is to be imported as a test.
65. *Subsection (5)* provides that where subsection (4) does not apply the court may not permit publication except with the consent of the person subject to the adoption or parental order.
66. *Subsection (6)* requires the court to have regard to whether any prospective or actual adopter of the child (or any parental order equivalent) has consented to the publication.
67. *Subsection (7)*, like section 14(4), requires the court to take into account any risk which publication would pose to the safety or welfare of any individual who is either involved in or, more widely, connected with the proceedings.