



Children, Schools and Families Act 2010

2010 CHAPTER 26

PART 2

FAMILY PROCEEDINGS

21 Interpretation of Part 2, etc

(1) In this Part—

“accredited news representative”, in relation to any proceedings, means a representative of one or more news organisations who is a member of a class of representatives of news organisations on which rules of court confer a right to attend the proceedings;

“child” means a person under the age of 18;

“court” includes a judge and any person exercising the functions of a court or a judge;

“identification information”, in relation to an individual involved in or otherwise connected with proceedings, means—

- (a) information, including in particular information as to any of the matters set out in subsection (2), the publication of which is likely to lead members of the public to identify the individual as someone who is or has been involved in or otherwise connected with the proceedings, and
- (b) in a case where the individual is a child, information the publication of which is likely to lead members of the public to identify the address or school of the individual as being that of an individual who is or has been involved in or otherwise connected with the proceedings;

“judgment” includes a record produced by the court of its reasons for a decision;

“news organisation” means a news gathering or reporting organisation;

“professional witness”, in any proceedings, means a person—

- (a) who has given, or whom it is proposed will give, written or oral evidence in the proceedings in exchange for a fee, and

Status: This is the original version (as it was originally enacted).

- (b) whose instruction by a party to the proceedings has been authorised by the court for the purposes of the proceedings;
 “publication” includes disclosure or communication in any form to any person or persons;
 “publisher” means—
- (a) where the information is published in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
 - (b) where the information is published in a relevant programme—
 - (i) any body corporate or Scottish partnership engaged in providing the programme 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;
 - (c) in the case of any other publication of information, any person publishing it;
- “relevant family proceedings” has the meaning given by section 11;
 “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990;
 “restricted adoption information” has the meaning given by section 15;
 “restricted parental order information” has the meaning given by section 15;
 “sensitive personal information”, in relation to any proceedings, means information listed in Schedule 2.
- (2) The matters referred to in the definition of “identification information” in subsection (1) are—
- (a) the name of the individual or any title, pseudonym or alias of the individual;
 - (b) the address or locality of any place where the individual lives or works or is educated or taken care of;
 - (c) the individual’s appearance or style of dress;
 - (d) any employment or other occupation of, or position held by, the individual;
 - (e) the individual’s relationship to particular relatives, or association with particular friends or acquaintances, of the individual;
 - (f) the individual’s recreational interests;
 - (g) the individual’s political, philosophical or religious beliefs or interests;
 - (h) any property (whether real or personal) in which the individual has an interest or with which the individual is otherwise associated.
- (3) For the purposes of this Part an individual is “involved” in proceedings if the individual—
- (a) is or was a party to the proceedings or the subject of the proceedings,
 - (b) is a person called, or whom it is proposed to call, as a witness in the proceedings, or
 - (c) is a person who has given written evidence in connection with the proceedings.
- (4) The Lord Chancellor may, by order made by statutory instrument, amend—
- (a) the definition of “professional witness” in subsection (1);
 - (b) Schedule 2 (list of sensitive personal information).
- (5) An order under subsection (4) may make transitional provision or savings.

- (6) A statutory instrument containing an order under subsection (4) may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (7) Nothing in this Part prejudices any other power a court may have to prevent or restrict the publication of information relating to relevant family proceedings.
- (8) No provision of this Part (or of Part 2 of Schedule 3 or Part 2 of Schedule 4) applies in relation to relevant family proceedings concluded before the coming into force of the provision in question.