



Administration of Justice Act 1960

1960 CHAPTER 65 8 and 9 Eliz 2

[^{F1} Contempt of court, habeas corpus and certiorari]

12 Publication of information relating to proceedings in private.

- (1) The publication of information relating to proceedings before any court sitting in private shall not of itself be contempt of court except in the following cases, that is to say—
- ^{F1}(a) where the proceedings—
- (i) relate to the exercise of the inherent jurisdiction of the High Court with respect to minors;
 - (ii) are brought under the Children Act 1989 ^{F2} or the Adoption and Children Act 2002]; or
 - (iii) otherwise relate wholly or mainly to the maintenance or upbringing of a minor;]
- (b) where the proceedings are brought ^{F3}under the Mental Capacity Act 2005, or under any provision of the Mental Health Act 1983] authorising an application or reference to be made to ^{F4}the First-tier Tribunal, the Mental Health Review Tribunal for Wales or^{F5}the county court];
- (c) where the court sits in private for reasons of national security during that part of the proceedings about which the information in question is published;
- (d) where the information relates to a secret process, discovery or invention which is in issue in the proceedings;
- (e) where the court (having power to do so) expressly prohibits the publication of all information relating to the proceedings or of information of the description which is published.
- (2) Without prejudice to the foregoing subsection, the publication of the text or a summary of the whole or part of an order made by a court sitting in private shall not of itself be contempt of court except where the court (having power to do so) expressly prohibits the publication.

Changes to legislation: Administration of Justice Act 1960, Section 12 is up to date with all changes known to be in force on or before 24 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) In this section references to a court include references to a judge and to a tribunal and to any person exercising the functions of a court, a judge or a tribunal; and references to a court sitting in private include references to a court sitting in camera or in chambers.
- (4) Nothing in this section shall be construed as implying that any publication is punishable as contempt of court which would not be so punishable apart from this section [^{F6}(and in particular where the publication is not so punishable by reason of being authorised by rules of court)].

Textual Amendments

- F1** S. 12(1)(a) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5)(6), [Sch. 13 para. 14](#); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F2** Words in s. 12(1)(a)(ii) inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), [ss. 101\(2\), 148\(1\)](#) (with [Sch. 4 paras. 1, 6-8](#)); [S.I. 2005/2213](#), [art. 2\(h\)](#)
- F3** Words in s. 12(1)(b) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), [Sch. 6 para. 10](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), [art. 2\(1\)\(d\)](#)
- F4** Words in s. 12(1)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 1\(1\)](#), [Sch. 3 para. 22](#)
- F5** Words in ss. 12, 13 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F6** Words in s. 12(4) inserted (E.W.) (12.4.2005) by [Children Act 2004 \(c. 31\)](#), [ss. 62\(2\), 67\(7\)\(j\)](#); [S.I. 2005/847](#), [art. 2](#)

Changes to legislation:

Administration of Justice Act 1960, Section 12 is up to date with all changes known to be in force on or before 24 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
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Changes and effects yet to be applied to :

- s. 12(1)(a) repealed by [2010 c. 26 Sch. 3 para. 4\(2\)](#)[Sch. 4 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 and Sch. 4 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 12(4) words inserted by [2011 c. 24 \(N.I.\) s. 95\(1\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(5) inserted by [2010 c. 26 Sch. 3 para. 4\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))