



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 18

MISCELLANEOUS

Publishing restrictions

182 Publishing restrictions

- (1) A person must not publish protected information if the publication of the information is intended, or is likely, to identify—
 - (a) a child mentioned in the protected information, or
 - (b) an address or school as being that of such a child.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) It is a defence for a person (“P”) charged with a contravention of subsection (1) to show that P did not know or have reason to suspect that the publication of the protected information was likely to identify a child mentioned in the protected information, or, as the case may be, an address or school of such a child.
- (4) In relation to proceedings before a children's hearing, the Scottish Ministers may in the interests of justice—
 - (a) dispense with the prohibition in subsection (1), or
 - (b) relax it to such extent as they consider appropriate.
- (5) In relation to proceedings before the sheriff under Part 10 or 15, the sheriff may in the interests of justice—
 - (a) dispense with the prohibition in subsection (1), or
 - (b) relax it to such extent as the sheriff considers appropriate.
- (6) In relation to proceedings in an appeal to the Court of Session under this Act, the Court may in the interests of justice—
 - (a) dispense with the prohibition in subsection (1), or
 - (b) relax it to such extent as the Court considers appropriate.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Cross Heading: Publishing restrictions is up to date with all changes known to be in force on or before 03 October 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

- (7) The prohibition in subsection (1) does not apply in relation to the publication by or on behalf of a local authority or an adoption agency of information about a child for the purposes of making arrangements in relation to the child under this Act or the Adoption and Children (Scotland) Act 2007 (asp 4).
- (8) In subsection (7), “adoption agency” has the meaning given by the Adoption and Children (Scotland) Act 2007.
- (9) In this section—
- [^{F1}“children’s hearing” includes a pre-hearing panel,]
- “protected information” means—
- (a) information in relation to—
- (i) a children's hearing,
- (ii) an appeal against a decision of a children's hearing,
- (iii) proceedings before the sheriff under Part 10 or 15, or
- (iv) an appeal from any decision of the sheriff or sheriff principal made under this Act, or
- (b) information given to the Principal Reporter in respect of a child in reliance on, or satisfaction of, a provision of this Act or any other enactment,
- “publish” includes in particular—
- (a) to publish matter in a programme service, as defined by section 201 of the Broadcasting Act 1990 (c.42), and
- (b) to cause matter to be published.

Textual Amendments

- F1** Definition in s. 182(9) inserted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 20(20)**
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Commencement Information

- I1** S. 182 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

Changes to legislation:

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

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

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)