

**ELIZABETH II**



**1968 CHAPTER 63**

An Act to make further provision for enabling courts to sit in private and for preventing or restricting publicity for certain proceedings. [25th October 1968]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where an appeal is brought against a decision of any of the courts mentioned in subsection (4) below, or an application is made for leave to appeal against a decision of any of those courts, and that court had power to sit in private during the whole or any part of the proceedings in which the decision was given, then, subject to subsections (2) and (3) below, the court hearing the appeal or application shall have power to sit in private during the whole or any part of the proceedings on the appeal or application. Power of court hearing certain appeals and applications to sit in private.

(2) Without prejudice to the next following subsection, the court hearing the appeal or application shall give its decision and the reason for its decision in public unless there are good and sufficient grounds for giving them in private and in that case the court shall state those grounds in public.

(3) Where the decision of any of the courts mentioned in subsection (4) below against which an appeal is brought—

(a) is a conviction, or a sentence or other order made on conviction, or

(b) was given in the exercise of jurisdiction to punish for contempt of court,

the court hearing the appeal or any further appeal arising out of the same proceedings shall, notwithstanding that it sat in private

during the whole or any part of the proceedings on the appeal, state in open court the order made by it on the appeal.

(4) The courts referred to in subsections (1) and (3) above are the Court of Appeal, the High Court, the Chancery Court of a County Palatine, the Restrictive Practices Court, the Crown Court at Liverpool, the Crown Court at Manchester, a court of quarter sessions, a county court and a magistrates' court.

(5) An application to a court to sit in private during the whole or any part of the proceedings on such an appeal or application as is mentioned in subsection (1) above shall be heard in private unless the court otherwise directs.

(6) The powers conferred on a court by this section shall be in addition to any other power of the court to sit in private.

(7) In this section references to a power to sit in private are references to a power to sit in camera or in chambers, but the power conferred by this section on a court which has no power to sit in chambers is a power to sit in camera only.

(8) In this section "appeal" includes appeal by case stated, and references to a court include references to a judge exercising the powers of a court.

2.—(1) The following provisions of this section shall have effect with a view to preventing or restricting publicity for—

(a) proceedings under section 39 of the Matrimonial Causes Act 1965 (which relates to declarations of legitimacy and the like), including any proceedings begun before the commencement of that Act and carried on under that section; and

(b) proceedings under section 22 of that Act (which relates to proceedings by a wife against her husband for maintenance), including any proceedings begun before the said commencement and carried on under that section and any proceedings for the discharge or variation of an order made or deemed to have been made under that section or for the temporary suspension of any provision of any such order or the revival of the operation of any provision so suspended.

(2) At the end of the said section 39 there shall be added the following subsection:—

"(9) The court (including a county court) by which any proceedings under this section are heard may direct that the whole or any part of the proceedings shall be heard in camera, and an application for a direction under this subsection shall be heard in camera unless the court otherwise directs."

(3) Section 1(1)(b) of the Judicial Proceedings (Regulation of Reports) Act 1926 (which restricts the reporting of matrimonial causes) shall extend to any such proceedings as are mentioned in subsection (1) above subject, in the case of the proceedings mentioned in subsection (1)(a) above, to the modification that the matters allowed to be printed or published by virtue of subparagraph (ii) of the said section 1(1)(b) shall be particulars of the declaration sought by a petition (instead of a concise statement of the charges, defences and countercharges in support of which evidence has been given). 1926 c. 61.

3.—(1) Section 1 of this Act shall not extend to Scotland; but nothing in this subsection shall be construed as limiting the powers of the Court of Session in relation to appeals against decisions of the Restrictive Practices Court. Provisions relating to Scotland.

(2) For avoidance of doubt it is hereby declared that, in relation to proceedings on appeals against decisions of the Court of Session, the appellate court has the like power to sit in private as has the Court of Session in relation to proceedings before it.

(3) Subsection (2) above applies to proceedings on applications for leave to appeal as it applies to proceedings on appeals.

(4) In the application to Scotland of section 2 of this Act, subsection (2) thereof shall be omitted.

4.—(1) So much of section 1 of this Act as relates to an appeal against a decision of the Restrictive Practices Court shall extend to Northern Ireland. Provisions relating to Northern Ireland.

(2) The said section 1 shall apply in relation to an appeal, and an application for leave to appeal, against a decision of the Court of Appeal in Northern Ireland and, where the appeal is to the House of Lords, of a Divisional Court of the Queen's Bench Division of the High Court of Justice in Northern Ireland as if each of those courts were a court mentioned in subsection (4) of that section.

(3) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall apply so as to preclude that Parliament from enacting a provision corresponding to section 1 or 2(2) of this Act. 1920 c. 67.

(4) This section and so much of this Act as is applied by this section shall extend to Northern Ireland but save as aforesaid this Act shall not extend to Northern Ireland.

5. This Act may be cited as the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968. Short title.

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