



Children Act 1989

1989 CHAPTER 41

PART XII

MISCELLANEOUS AND GENERAL

Jurisdiction and procedure etc.

97 Privacy for children involved in certain proceedings.

^{F1}(1)

(2) No person shall publish [^{F2}to the public at large or any section of the public] any material which is intended, or likely, to identify—

- (a) any child as being involved in any proceedings before [^{F3}the High Court][^{F4}or the family court] in which any power under this Act [^{F5}or the Adoption and Children Act 2002] may be exercised by the court with respect to that or any other child; or
- (b) an address or school as being that of a child involved in any such proceedings.

(3) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he did not know, and had no reason to suspect, that the published material was intended, or likely, to identify the child.

(4) The court or the [^{F6}Lord Chancellor] may, if satisfied that the welfare of the child requires it [^{F7}and, in the case of the Lord Chancellor, if the Lord Chief Justice agrees], by order dispense with the requirements of subsection (2) to such extent as may be specified in the order.

(5) For the purposes of this section—

“publish” includes—

- (a) [^{F8}include in a programme service (within the meaning of the Broadcasting Act 1990);]
- (b) cause to be published; and

“material” includes any picture or representation.

Changes to legislation: Children Act 1989, Section 97 is up to date with all changes known to be in force on or before 17 April 2024. 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

(6) Any person who contravenes this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

[^{F9}(6A) It is not a contravention of this section to—

- (a) enter material in the Adoption and Children Act Register (established under section 125 of the Adoption and Children Act 2002), or
- (b) permit persons to search and inspect that register pursuant to regulations made under section 128A of that Act.]

^{F10}(7)

^{F10}(8)

[^{F11}(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4).]

Textual Amendments

- F1** S. 97(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 75(a)**; [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 97(2) inserted (12.4.2005) by [Children Act 2004 \(c. 31\)](#), s. 62(1); [S.I. 2005/847, art. 2](#)
- F3** Words in s. 97(2) inserted (27.9.1999) by [1999 c. 22](#), ss. 72, 108(3) (with s. 107, [Sch. 14 para. 7\(2\)](#))
- F4** Words in s. 97(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 75(b)**; [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F5** Words in s. 97(1)(2) inserted (30.12.2005) by [2002 c. 38](#), ss. 101(3), 148 (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213, art. 2\(h\)](#)
- F6** Words in s. 97(4) substituted (1.4.1992) by [S.I. 1992/709, art. 3\(2\)](#), **Sch. 2** (with [art. 5\(2\)](#)).
- F7** Words in s. 97(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15(1), **Sch. 4 para. 208(2)**; [S.I. 2006/1014, art. 2\(a\)](#), [Sch. 1 para. 11\(r\)](#)
- F8** Words in s. 97(5) substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), **Sch. 20 para. 53**
- F9** S. 97(6A) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. 7(7), 139(6); [S.I. 2014/889, art. 5\(b\)](#)
- F10** S. 97(7)(8) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 75(a)**; [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F11** S. 97(9) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15(1), **Sch. 4 para. 208(3)**; [S.I. 2006/1014, art. 2\(a\)](#), [Sch. 1 para. 11\(r\)](#)

Modifications etc. (not altering text)

- C1** S. 97 applied by [2014 anaw 4](#), s. 125C (as inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **308**)
- C2** S. 97(2) excluded (27.9.1999) by [1999 c. 22](#), ss. 105, 108(1), **Sch. 14 Pt. IV para. 18** (with s. 107, [Sch. 14 para. 7\(2\)](#))
- C3** S. 97(4): functions of the Secretary of State transferred to the Lord Chancellor (1.4.1992) by [S.I. 1992/709, art. 3\(1\)](#), **Sch. 2** (with [art. 5\(2\)](#)).

Commencement Information

- I1** S. 97 in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 97(2)-(9) repealed by [2010 c. 26 Sch. 3 para. 10](#)[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\(a\)](#))

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):

- s. 4(1A)(aa) inserted by [2009 c. 24 Sch. 6 para. 21\(3\)](#)
- s. 4(1C) inserted by [2009 c. 24 Sch. 6 para. 21\(4\)](#)
- s. 4ZA(2)(aa) inserted by [2009 c. 24 Sch. 6 para. 22\(3\)](#)
- s. 4ZA(3A) inserted by [2009 c. 24 Sch. 6 para. 22\(4\)](#)
- s. 8(4)(k) inserted by [2021 c. 17 s. 52\(1\)](#)
- s. 31A(4A) inserted by [2014 c. 6 s. 15\(2\)\(b\)](#)