



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 3

COURTS AND TRIBUNALS

Reporting restrictions

79 Reporting restrictions in proceedings other than criminal proceedings

- (1) Section 39 of the Children and Young Persons Act 1933 (power to prohibit publication of certain matter in newspapers) is amended as follows.
- (2) In subsection (1)—
 - (a) after “any proceedings” insert “, other than criminal proceedings,”, and
 - (b) after “direct that” insert “the following may not be included in a publication”.
- (3) In subsection (1)(a)—
 - (a) omit “no newspaper report of the proceedings shall reveal”, and
 - (b) omit “, or include any particulars calculated to lead to the identification,”.
- (4) In subsection (1), after paragraph (a) insert—
 - (aa) any particulars calculated to lead to the identification of a child or young person so concerned in the proceedings;”.
- (5) In subsection (1)(b)—
 - (a) for “no picture shall be published in any newspaper as being or including” substitute “a picture that is or includes”, and
 - (b) omit “as aforesaid”.
- (6) In subsection (2), for “publishes any matter” substitute “includes matter in a publication”.
- (7) After subsection (2) insert—
 - (3) In this section—

Status: This is the original version (as it was originally enacted).

“publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include a document prepared for use in particular legal proceedings;

“relevant programme” means a programme included in a programme service within the meaning of the Broadcasting Act 1990.”

(8) In the heading of that section, omit “in newspapers”.

(9) After that section insert—

“39A Prohibition on publication of certain matters: providers of information society services

Schedule 1A makes special provision in connection with the operation of section 39 in relation to persons providing information society services.”

(10) In section 57(3) of the Children and Young Persons Act 1963 (extending section 39 of the Children and Young Persons Act 1933 to Scotland) after paragraph (a) (but before “and”) insert—

“(aa) as it extends to Scotland, the said section 39 has effect as if the references to a publication were references to a newspaper;”.

(11) In consequence of the amendment made by subsection (2)(a), omit paragraph 2 of Schedule 2 to the Youth Justice and Criminal Evidence Act 1999.

(12) Subsection (2)(a) does not affect the operation of section 39 of the Children and Young Persons Act 1933 in relation to criminal proceedings instituted before the day on which it comes into force.

(13) For the purposes of subsection (12)—

(a) proceedings other than proceedings on appeal are instituted when proceedings are instituted for the purposes of Part 1 of the Prosecution of Offences Act 1985, in accordance with section 15(2) of that Act;

(b) proceedings on appeal are instituted when the notice of appeal is given or the reference under section 9 or 11 of the Criminal Appeal Act 1995 is made.