

---

STATUTORY INSTRUMENTS

---

**2013 No. 1465**

**The Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013**

**Publishing restrictions**

**12.**—(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 paragraph (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 paragraph (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) The prohibition in paragraph (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 the 2011 Act or the Adoption and Children (Scotland) Act 2007<sup>(1)</sup>.

(5) In paragraph (4), “adoption agency” has the meaning given by the Adoption and Children (Scotland) Act 2007.

(6) In this article—

“protected information” means—

- (a) information in relation to—
  - (i) a children’s hearing or a pre-hearing panel;
  - (ii) an appeal against a decision of a children’s hearing or a determination of a pre-hearing panel;
  - (iii) proceedings before the sheriff under Part 10 or 15 of the 2011 Act; or
  - (iv) an appeal from any decision of the sheriff or sheriff principal made under the 2011 Act; and
- (b) information given to the Principal Reporter in respect of a child in reliance on, or satisfaction of, a provision of the 2011 Act or any other enactment; and

“publish” includes in particular—

- (a) to publish matter in a programme service, as defined by section 201 of the Broadcasting Act 1990<sup>(2)</sup>; and
- (b) to cause matter to be published.

---

(1) 2007 asp 4.  
(2) 1990 c.42.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---