



Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968

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]

1 Power of court hearing certain appeals and applications to sit in private.

- (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.
- (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 [^{F1}the Crown Court][^{F2}, the family court], . . . ^{F3}, ^{F4} . . . , . . . ^{F3}, [^{F5}the 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.

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- (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 0in 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.

Textual Amendments

- F1** Words in s. 1(4) added by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 58](#)
- F2** Words in s. 1(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 16](#); [S.I. 2014/954](#), [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** Words in s. 1(4) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)
- F4** Words in s. 1(4) repealed (10.3.2013) by [The Competition Act 1998 \(Consequential Provisions\) Order 2013 \(S.I. 2013/294\)](#), arts. 1, 2, [Sch.](#)
- F5** Words in s. 1(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 23](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

2 Restriction of publicity for legitimacy proceedings, etc., and certain proceedings by a wife for maintenance.

- (1) The following provisions of this section shall have effect with a view to preventing or restricting publicity for—
 - [^{F6}(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. . . .^{F7}
 - [^{F8}(c) proceedings under section 27 of the Matrimonial Causes Act 1973 (which relates to proceedings by a wife against her husband, or by a husband against his wife, for financial provision) and any proceedings for the discharge or variation of an order 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].
 - [^{F9}(d) proceedings under Part III of the Family Law Act 1986]
 - [^{F10}(da) proceedings under Part 9 of Schedule 5 to the Civil Partnership Act 2004 (provision corresponding to the provision referred to in paragraph (c) above);
 - (db) proceedings under section 58 of the 2004 Act (declarations as to subsistence etc. of civil partnership);]
 - ^{F11}(e)

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- (2) ^{F12}
- (3) Section 1(1)(b) of the ^{M1}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 [^{F13}subsection (1)(a)][^{F13}subsection (1)(d) [^{F14}or (db)]^{F15} . . .] above, to the modification that the matters allowed to be printed or published by virtue of sub-paragraph (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).

Textual Amendments

- F6** S. 2(1)(a) repealed (E.W.) by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1)(2), Sch. 1 para. 9(a), **Sch. 2**
- F7** Word “and” inserted by Matrimonial Proceedings and Property Act 1970 (c. 45, SIF 49:5), s. 42, **Sch. 2 para. 3** and that insertion fell by reason of the repeal of the inserting provision by Matrimonial Causes Act 1973 (c. 18, SIF 49:1), s. 54(1)(b), **Sch. 3** (the said word “and” was also expressed to be repealed (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), Sch. 2 para. 19(a), Sch. 3 paras. 1, 6
- F8** S. 2(1)(c) substituted by Matrimonial Causes Act 1973 (c. 18, SIF 49:1), s. 54(1), **Sch. 2 para. 7(1)** for the paragraph s. 2(1)(c) inserted (E.W.) by Matrimonial Proceedings and Property Act 1970 (c. 45, SIF 49:5), s. 42, **Sch. 2 para. 3**
- F9** S. 2(1)(d) inserted (E.W.) by Family Law Act 1986 (c. 55, 49:3), s. 68(1), **Sch. 1 para. 9(a)**
- F10** S. 2(1)(da)(db) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b), **Sch. 27 para. 29(2)**; S.I. 2005/3175, art. 2(2)
- F11** S. 2(1)(e) repealed (1.4.2001) by 2000 c. 19, s. 85, **Sch. 9 Pt. IX** (with s. 83(6)); S.I. 2001/774, **art. 2(d)**
- F12** S. 2(2) repealed by Matrimonial Causes Act 1973 (c. 18), Sch. 2 para. 7(1), **Sch. 3**
- F13** “Subsection (1)(d) or (e)” substituted (E.W.) for “subsection 1(a)” by virtue of Family Law Act 1986 (c. 55, SIF 49:3), s. 68(1), **Sch. 1 para. 9(b)** and Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), Sch. 2 para. 19(b), Sch. 3 paras. 1, 6
- F14** Words in s. 2(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b), **Sch. 27 para. 29(3)**; S.I. 2005/3175, art. 2(2)
- F15** Words in s. 2(3) repealed (1.4.2001) by 2000 c. 19, s. 85, **Sch. 9 Pt. IX** (with s. 83(6)); S.I. 2001/774, **art. 2(d)**

Marginal Citations

- M1** 1926 c. 61.

3 Provisions relating to Scotland.

- (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.
- (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.

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(4) ^{F16}

Textual Amendments

F16 S. 3(4) repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), [Sch. 3](#)

4 Provisions relating to Northern Ireland.

^{F17}(1)

(2) ^{F18}... 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 [^{F19}Supreme Court], of . . . ^{F20}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) ^{F21}

(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.

Textual Amendments

F17 S. 4(1) repealed (10.3.2013) by [The Competition Act 1998 \(Consequential Provisions\) Order 2013 \(S.I. 2013/294\)](#), arts. 1, 2, [Sch.](#)

F18 Words in s. 4(2) repealed (10.3.2013) by [The Competition Act 1998 \(Consequential Provisions\) Order 2013 \(S.I. 2013/294\)](#), arts. 1, 2, [Sch.](#)

F19 Words in s. 4(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 9 para. 18](#); [S.I. 2009/1604](#), art. 2(d)

F20 Words repealed (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), Sch. 6 para. 13, [Sch. 7 Pt. I](#)

F21 S. 4(3) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

5 Short title.

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

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Changes and effects yet to be applied to :

- s. 2(1)(b) repealed by [1996 c. 27 Sch. 10](#)