



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PART II

SUMMARY PROCEDURE

^{F1}Procedure at trial involving children

[^{F1}]~~[^{F2}374~~Restrictions on report of proceedings involving person under 16.

- (1) No newspaper report of any proceedings in a court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any person under the age of 16 years concerned in the proceedings, either—
- (a) as being a person against or in respect of whom the proceedings are taken; or
 - (b) as being a witness therein;

nor shall any picture which is, or includes, a picture of a person under the age of 16 years so concerned in the proceedings be published in any newspaper in a context relevant to the proceedings:

Provided that, in any case—

- (i) where the person is concerned in the proceedings as a witness only and no one against whom the proceedings are taken is under the age of 16 years, the foregoing provisions of this subsection shall not apply unless the court so directs;
 - (ii) the court may at any stage of the proceedings if satisfied that it is in the public interest so to do, direct that the requirements of this section (including such requirements as applied by a direction under paragraph (i) above) shall be dispensed with to such extent as the court may specify;
 - (iii) the Secretary of State may, after completion of the proceedings, if so satisfied by order dispense with the said requirements to such extent as may be specified in the order.
- (2) This section shall, with the necessary modifications, apply in relation to sound and television [^{F3}programmes included in a programme service (within the meaning of the Broadcasting Act 1990)] as it applies in relation to newspapers.

Status: Point in time view as at 01/04/1996.

Changes to legislation: Criminal Procedure (Scotland) Act 1975, Section 374 is up to date with all changes known to be in force on or before 26 July 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)

- (3) A person who publishes matter in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F4}level 4 on the standard scale.]
- (4) In this section, references to a court shall not include a court in England, Wales or Northern Ireland.]]

Textual Amendments

- F1** Act repealed (S.) (1.4.1996) by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), s. 6(1), **Sch. 5** (with ss. 4, 6(2), Sch. 3 paras. 3, 16, Sch. 6)
- F2** S. 374 substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), s. 22, **Sch. 6 para. 2**
- F3** Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 21**
- F4** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. **289G** and (N.I.) 1984/703, (N.I. 13), art. 5

Status:

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