



# Employment Tribunals Act 1996

## 1996 CHAPTER 17

### PART I

#### [<sup>F1</sup>EMPLOYMENT TRIBUNALS]

##### *Procedure*

#### **11 Restriction of publicity in cases involving sexual misconduct.**

- (1) [<sup>F1</sup>Employment tribunal] procedure regulations may include provision—
- (a) for cases involving allegations of the commission of sexual offences, for securing that the registration or other making available of documents or decisions shall be so effected as to prevent the identification of any person affected by or making the allegation, and
  - (b) for cases involving allegations of sexual misconduct, enabling an [<sup>F1</sup>employment tribunal], on the application of any party to proceedings before it or of its own motion, to make a restricted reporting order having effect (if not revoked earlier) until the promulgation of the decision of the tribunal.
- (2) If any identifying matter is published or included in a relevant programme in contravention of a restricted reporting order—
- (a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,
  - (b) in the case of publication in any other form, the person publishing the matter, and
  - (c) in the case of matter included in a relevant programme—
    - (i) any body corporate engaged in providing the service in which the programme is included, and
    - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

*Status: Point in time view as at 01/08/1998. This version of this provision has been superseded.*

*Changes to legislation: Employment Tribunals Act 1996, Section 11 is up to date with all changes known to be in force on or before 12 August 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) Where a person is charged with an offence under subsection (2) it is a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication or programme in question was of, or included, the matter in question.
- (4) Where an offence under subsection (2) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person purporting to act in any such capacity,
- he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In relation to a body corporate whose affairs are managed by its members “director”, in subsection (4), means a member of the body corporate.
- (6) In this section—
- “identifying matter”, in relation to a person, means any matter likely to lead members of the public to identify him as a person affected by, or as the person making, the allegation,
- “relevant programme” has the same meaning as in the <sup>M1</sup>Sexual Offences (Amendment) Act 1992,
- “restricted reporting order” means an order—
- (a) made in exercise of a power conferred by regulations made by virtue of this section, and
  - (b) prohibiting the publication in Great Britain of identifying matter in a written publication available to the public or its inclusion in a relevant programme for reception in Great Britain,
- “sexual misconduct” means the commission of a sexual offence, sexual harassment or other adverse conduct (of whatever nature) related to sex, and conduct is related to sex whether the relationship with sex lies in the character of the conduct or in its having reference to the sex or sexual orientation of the person at whom the conduct is directed,
- “sexual offence” means any offence to which section 4 of the <sup>M2</sup>Sexual Offences (Amendment) Act 1976, the Sexual Offences (Amendment) Act 1992 or section 274(2) of the <sup>M3</sup>Criminal Procedure (Scotland) Act 1995 applies (offences under the <sup>M4</sup>Sexual Offences Act 1956, Part I of the <sup>M5</sup>Criminal Law (Consolidation) (Scotland) Act 1995 and certain other enactments), and
- “written publication” has the same meaning as in the Sexual Offences (Amendment) Act 1992.

#### Textual Amendments

**F1** Words in s. 11(1) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

#### Marginal Citations

**M1** 1992 c. 34.  
**M2** 1976 c. 82.  
**M3** 1995 c. 46.

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**M4** 1956 c. 69.

**M5** 1995 c. 39.

**Status:**

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