

CHILDREN, SCHOOLS AND FAMILIES ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Family Proceedings

Section 21: Interpretation of Part 2, etc

78. *Section 21* defines various terms used in the preceding sections. *Subsection (1)* defines specific terms; *subsection (2)* supplements the definition of “identification information” by listing matters, particulars of which will be identification information in relation to an individual if they are likely to lead members of the public to identify the individual; *subsection (3)* explains the meaning of “involved in the proceedings”; and *subsection (4)* empowers the Lord Chancellor to amend subsection (1) to change the definition of professional witness and the list of sensitive personal information set out in Schedule 2, by statutory instrument subject to affirmative resolution procedure (see *subsection (6)*).
79. The definition of “identification information” refers to “someone who is or has been involved in or otherwise connected with the proceedings”. This reference to “has been” confers indefinite anonymity on those who have been involved in, referred to in or otherwise connected with the proceedings (with the exception of professional witnesses, as defined in section 21).
80. *Subsection (7)* provides for courts to retain their existing powers, other than under these sections, to prevent or restrict the publication of information in relevant family proceedings. These may relate to different sorts of confidential information, for example.
81. *Subsection (8)* is a transitional provision which applies the new regime to proceedings commenced or still active after the legislation comes into force but leaving the existing law to apply to proceedings which were concluded before the commencement of the legislation.