

CHILDREN, SCHOOLS AND FAMILIES ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Family Proceedings

Section 16: Prohibiting or restricting publication for purposes of section 13

68. **Section 16** provides the conditions for the court to exercise its powers to impose restrictions on publication of information relating to the proceedings.
69. **Subsection (2)** requires the court to be satisfied that there is a real risk that publication would prejudice any one or more of three types of interest: the *safety* of any person, the *welfare* of a *child* or vulnerable adult, or the interests of *justice* in the proceedings in question. “Welfare” has the meaning explained in relation to section 15(4) (paragraph 64, above); and the reference to the interests of justice in the proceedings is intended to cover a wide range of matters, which might include undue impact on the privacy of a person involved in the proceedings.
70. **Subsection (3)** makes specific provision giving the court a power to restrict publication of information which would identify a professional witness. This information would otherwise be publishable in accordance with Condition 3 in section 13. This power may be exercised if the court is satisfied that the information published would lead to the identification of another person involved in or otherwise connected with the proceedings (other than another professional witness), or that the information is sensitive personal information relating to the proceedings. The power may also be exercised if the professional witness is, has been or will be, involved in providing care or treatment for a child or other person involved in or connected with the proceedings, other than for the purpose of being a professional witness. The court may also restrict publication on the ground of risk to safety of the professional witness or his or her family, under subsection (2).