

CHILDREN, SCHOOLS AND FAMILIES ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Family Proceedings

Section 13: Authorised news publications

54. **Section 13** makes provision for authorised news publications. There are five qualifying conditions for a publication to be classified as an authorised news publication. These can be summarised as that publication has to be—
- a) of information gathered by an accredited news representative through attending the proceedings;
 - b) by that representative, or with his consent or under a contract or similar arrangement, or taken from an existing authorised news publication;
 - c) not of identification information or sensitive personal information, unless expressly permitted by the court;
 - d) not of an order in adoption or parental order proceedings, or any judgment, unless expressly permitted by the court under section 12;
 - e) not of information which the court has ordered not to be published, or of an order which the court has ordered not to be published under section 12.
55. Condition 1 (set out in *subsection (2)*) requires a news representative to be accredited. Section 21 defines “accredited news representative” to mean a representative of one or more news organisations who belongs to a class of representatives on which rules of court confer a right to attend the proceedings in question. The production of a UK Press Authority Card is set out in rule 10.28 of the Family Proceedings Rules 1991 as sufficient evidence of accreditation. Condition 1 also requires that the news representative acquired the information which is to be published by attending the proceedings. Attendance at family proceedings is governed by rules of court: the Family Proceedings Rules 1991 (rule 10.28) were amended in April 2009 to give the media, but not the public more generally, a right to attend most family proceedings subject to discretion of the court to exclude their attendance in specific circumstances.
56. Condition 2 (set out in *subsection (3)*) requires publication to be by the accredited news representative who acquired the information, or with that representative’s consent or pursuant to a contract or other agreement with that representative (for example, a report submitted to a newspaper by a staff journalist). Publication is also allowed by a person who has obtained the information from an authorised news publication (allowing further reporting of articles already classified as an authorised news publication).
57. Condition 3 (set out in *subsection (4)*) requires that the information is not “identification information” or “sensitive personal information” or “restricted adoption information” or “restricted parental order information”; or that if it is, then either the court has specifically permitted publication of the information, or the information identifies a

*These notes refer to the Children, Schools and Families Act
2010 (c.26) which received Royal Assent on 8 April 2010*

professional witness and has not otherwise been specifically restricted by the court. “Identification information” and “professional witness” are defined in section 21, “sensitive personal information” in section 21 and Schedule 2 and “restricted adoption information” and “restricted parental order information” in section 15.

58. Condition 4 (set out in *subsection (5)*) in conjunction with Condition 5 (set out in *subsection (6)*), ensures that a publication of an order or judgment which would not qualify as an authorised publication within section 12 cannot qualify as an authorised news publication either.
59. Condition 5 (set out in *subsection (6)*) requires that the publication has not been prohibited by the court, and that it does not breach any restriction imposed by the court, either under the power of the court given in this subsection or under section 12(1)(b) in relation to an order.
60. *Subsection (7)* allows for the Court’s powers to permit, prohibit or restrict publication of information under this section to be exercisable not only on application but also on the court’s own initiative.