

Civil Liability and Courts Bill 2004
Seanad Bill

Explanatory Memo

Section 31

provides for the amendment of the ‘in camera’ rule, as contained in certain statutes relating to family law, so as to allow the publication of reports of proceedings so long as the report does not contain any information which would identify the parties or any child to which the proceedings relate.

It further provides that nothing in any enactment prohibiting proceedings from being heard in public shall prevent the production of a document or the giving of information or evidence relating to such proceedings to a body or person conducting a hearing, inquiry etc. pursuant to statute.

This extends also to a body or person acting otherwise than under statute where the body or person is prescribed by order of the Minister.

In both situations, the body or person is prohibited from publishing the document, information or other material.

As initiated

31(1) For the purposes of this section each of the following shall be a relevant enactment.

- (a) section 2(1B) (inserted by section 20 of the Courts Act 1971) of the Legitimacy Act 1931;
- (b) section 45 of the Courts (Supplemental Provisions) Act 1961 5 (in so far as it relates to matrimonial causes or matters, or minor matters);
- (c) section 25 of the Family Law (Maintenance of Spouses and Children) Act 1976;
- (d) section 10 of the Act of 1976;
- (e) section 36 of the Status of Children Act 1987;
- (f) section 34 of the Act of 1989;
- (g) section 33 of the Act of 1995;
- (h) section 38 of the Act of 1995;
- (i) section 38 of the Act of 1996;
- (j) section 16 of the Domestic Violence Act 1996.

(2) Nothing contained in a relevant enactment shall operate to prohibit

(a) the preparation and publication of a report of proceedings to which the relevant enactment relates, or (b) the publication of the decision of the court in such proceedings,

provided that the report or judgment does not contain any information which would enable the parties to the proceedings or any child to which the proceedings relate to be identified.

(3) Nothing contained in an enactment that prohibits proceedings to which the enactment relates from being heard in public shall operate to prohibit the production of a document prepared for the purposes or in contemplation of such proceedings or given in evidence in such proceedings, to

(a) a body or other person when it, or he or she, is performing functions under any enactment consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter, or

(b) such body or other person as may be prescribed by order 35 made by the Minister, when the body or person concerned is performing functions consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter as may be so prescribed.

(4) Nothing contained in an enactment that prohibits proceedings to which the enactment relates from being heard in public shall operate to prohibit the giving of information or evidence given in such proceedings to

(a) a body or other person when it, or he or she, is performing functions under any enactment consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter, or

(b) such body or other person as may be prescribed by order made by the Minister, when the body or person concerned is performing functions consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter as may be so prescribed.

(5) A hearing, inquiry or investigation referred to in subsection (3) or (4) shall, in so far as it relates to a document referred to in subsection (3) or information or evidence referred to in subsection (4), be conducted otherwise than in public and no such document, information or evidence shall be published.