

Supplementary Note to Reporting Restrictions in the Criminal Courts April 2015: Children and Young People

The guidance is presently being revised to explain more fully the particular considerations that are relevant to reporting restrictions in the criminal courts relating to children and young people as confirmed in *McKerry v Teesdale and Wear Valley Justices* 2001 EMLR 5 (Div Ct) 2000 WL 546, *R (on the application of Y) v Aylesbury Crown Court* 2012 EWHC 1140 (Admin) 2012 WL 1469061 and *R (on the application of A) v Lowestoft Magistrates' Court* 2013 EWHC 659 (Admin) 2013 WL 6178191.

McKerry concerns automatic reporting restrictions in the youth court as summarised in paragraph 3.9 of the guidance. *Aylesbury* and *Lowestoft* concern discretionary reporting restrictions in magistrates' courts and the Crown Court as summarised in paragraph 4.2 of the guidance. They set out the balancing exercise courts must undertake.

Particular considerations that are relevant to children and young people include the welfare principle enshrined in s44 of the Children and Young Persons Act 1933, the qualified right to privacy under Article 8 of the European Convention of Human Rights and the jurisprudence relating to other international obligations requiring the best interests of the child to be 'a primary consideration' (though not necessarily one that prevails over all other considerations). Courts must balance these considerations with the competing principle of open justice and the qualified right to freedom of expression under Article 10 of the European Convention of Human Rights.

30 July 2015