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Dear Mr Ewing

SCOTTISH PARLIAMENTARY QUESTION S6W-40117

The Cabinet Secretary in her response to the above PQ indicated that it related to operational matters within the responsibility of the Scottish Courts and Tribunals Service. I am now writing in response to the matter raised.

S6W-40117 asks: what information the Scottish Government has on how many orders for witness anonymity under common law and section 11 of the Contempt of Court Act 1981, similar to those imposed by Lady Dorrian in the case HMA v Alexander Elliot Anderson Salmond, have been imposed in each year since 2015; in which cases they were imposed; whether it will provide details of the nature of the crimes involved in these cases, and whether there have been any other cases since 2015 where a similar type of order ensuring witness anonymity has been imposed under different provisions

Unfortunately, we are unable to provide information on the specific cases in which orders have been made, as this would require a resource intensive manual trawl and interrogation of records held by the Scottish Courts and Tribunals Service (SCTS), including our case management systems, a central index of orders held for operational purposes, physical case papers and court processes - where these are still available in line with the SCTS retention schedules. Additionally, there would be the risk of inadvertent identification of a person subject to an extant order.

The SCTS uses live operational case management systems for the processing of criminal and civil court business. The information held on these systems is structured for operational needs, rather than for statistical reporting or research purposes.

However, the SCTS keeps a central, manually created index of orders imposed under the Children and Young Persons (Scotland) Act 1937, the Contempt of Court Act 1981 and at common law. As this is kept for operational rather than statistical purposes it does not differentiate between civil and criminal court orders. We would note that the majority of civil orders captured in the data will likely relate to the anonymity of parties/interested parties/children rather than witnesses.

From 2020 onwards the number of reporting restriction orders made increased, due to the introduction of remote jury ballots in criminal proceedings. Such orders, which last until the jury is sworn in, are made to prevent jurors from searching details of a case before they have received the judicial direction about not conducting their own research.

Based on the information above, the table below provides the number of orders that have been granted in the years 2015 to 2025 (as at 3 September 2025). This includes orders which may no longer be in force.

2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
41	64	87	121	109	270	1510	1585	1832	1889	1361

Up to date lists of Orders and Directions made under section 4(2) and or section 11 of the Contempt of Court Act 1981 can be found [here](#).

A court can also make an order under section 271N of the Criminal Procedure (Scotland) Act 1995, to ensure that the identity of the witness is not disclosed in or in connection with the proceedings. Such orders made are recorded in the minutes of the proceedings and cannot be extracted from our case management system. There is also no requirement to publish these orders, therefore we hold no readily available statistics or case information for these.

I hope what has been provided is of some assistance to you.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the SCTS website.

Yours sincerely



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