

CHAPTER 102

REPORTING RESTRICTIONS

Interpretation and application of this Chapter

102.1.—(1) This Chapter applies to orders which restrict the reporting of proceedings. (2) In this Chapter, “interested person” means a person—

- (a) who has asked to see any order made by the court which restricts the reporting of proceedings, including an interim order; and
- (b) whose name is included on a list kept by the Lord President for the purposes of this Chapter.

Application for an order

102.1A.—(1) A party to the proceedings may apply to the court for an order under this Chapter to restrict the reporting of the proceedings.

(2) An application for an order under this Chapter must be made by motion and be accompanied by Form 102.1A.

Interim orders

102.2.—(1) Where the court is considering making an order, it must first make an interim order.

- (2) The clerk of court shall immediately send a copy of the interim order to any interested person.
- (3) The court shall specify in the interim order why it is considering making an order.

Representations

102.3.—(1) Omitted by SSI 202 No. 28 para 9(2)(b) (effective 2 March 2020)

(2) An interested person who would be directly affected by the making of an order shall have an opportunity to make representations to the court before an order is made.

- (3) Representations shall—
 - (a) be made by note in process;
 - (b) where an urgent hearing is sought, include reasons explaining why an urgent hearing is necessary;
 - (c) be lodged no later than 2 days after the interim order is sent to interested persons in accordance with rule 102.2(2).
- (4) On representations being made—
 - (a) the court shall appoint a date for a hearing—
 - (i) on the first suitable court day thereafter; or
 - (ii) where the court is satisfied that an urgent hearing is necessary, at such earlier date and time as the court may determine;
 - (b) the clerk of court shall—
 - (i) notify the date and time of the hearing to the parties to the proceedings and the person who has made representations; and
 - (ii) send a copy of the representations to the parties to the proceedings.

(5) Where no interested person makes representations in accordance with rule 102.3(2), the clerk of court shall put the interim order before the court in chambers in order that the court may resume consideration of whether to make an order.

(6) Where the court, having resumed consideration under rule 102.3(5), makes no order, it shall recall the interim order.

(7) Where the court recalls an interim order, the clerk of court shall immediately notify any interested person.

Notification of reporting restrictions

102.4. Where the court makes an order, the clerk of court shall immediately—

- (a) send a copy of the order to any interested person;
- (b) arrange for the publication of the making of the order on the Scottish Court Service website.

Applications for variation or revocation

102.5.—(1) A person aggrieved by an order may apply to the court for its variation or revocation.

(2) An application shall be made by note in process.

(3) On an application being made—

- (a) the court shall appoint the application for a hearing;
- (b) the clerk of court shall—
 - (i) notify the date and time of the hearing to the parties to the proceedings and the applicant;
 - (ii) send a copy of the application to the parties to the proceedings.

(4) The hearing shall, so far as reasonably practicable, be before the judge or judges who made the order.