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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 356**

**Act of Sederunt (Sheriff Appeal Court Rules) 2015**

**PART 6**

**INCIDENTAL PROCEDURE: SPECIAL PROCEDURES**

**CHAPTER 26**

**REPORTING RESTRICTIONS**

**Interpretation and application of this Chapter**

- 26.1.**—(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.

**Interim orders: notification to interested persons**

- 26.2.**—(1) Where the Court is considering making an order, the Court may make an interim order.
- (2) Where the Court makes an interim order, the Clerk must immediately send a copy of the interim order to any interested person.
- (3) The Court is to specify in the interim order why the Court is considering making an order.

**Interim orders: representations**

- 26.3.**—(1) Paragraph (2) applies where the Court has made an interim order.
- (2) An interested person who would be directly affected by the making of an order is to be given an opportunity to make representations to the Court before the order is made.
- (3) Representations are to—
- (a) be made in Form 26.3;
  - (b) include reasons why an urgent hearing is necessary, if an urgent hearing is sought;
  - (c) be lodged no later than 2 days after the interim order is sent to interested persons in accordance with rule 26.2(2).
- (4) If representations are made—
- (a) the Court is to appoint a date and time for a hearing—
    - (i) on the first suitable court day; or
    - (ii) where the Court considers that an urgent hearing is necessary, at an earlier date and time;
  - (b) the Clerk must—

- (i) notify the date and time of the hearing to the parties to the proceedings and any person who has made representations; and
- (ii) send a copy of the representations to the parties.

(5) Where no interested person makes representations in accordance with paragraph (3), the Clerk is to 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, makes no order, it must recall the interim order.

(7) Where the Court recalls an interim order, the Clerk must immediately notify any interested person.

#### **Notification of reporting restrictions**

**26.4.**—(1) Where the Court makes an order, the Clerk must 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 Courts and Tribunals Service website.

#### **Applications for variation or revocation**

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

(2) An application is to be made in Form 26.5.

(3) When an application is made—

- (a) the Court is to appoint a date and time for a hearing;
- (b) the Clerk must—
  - (i) notify the date and time of the hearing to the parties to the proceedings and the applicant; and
  - (ii) send a copy of the application to the parties.

(4) The hearing is, so far as reasonably practicable, to be before the Appeal Sheriff or Appeal Sheriffs who made the order.