
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 84

**Act of Adjournal (Criminal Procedure Rules
Amendment) (Reporting Restrictions) 2015**

Amendment of the Act of Adjournal (Criminal Procedure Rules) 1996

2.—(1) The Criminal Procedure Rules 1996(1) are amended in accordance with the following subparagraphs.

(2) For Chapter 56 (reporting restrictions under the Contempt of Court Act 1981)(2), substitute—

“CHAPTER 56

REPORTING RESTRICTIONS

Interpretation and application of this Chapter

56.1.—(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 Justice General for the purposes of this Chapter.

Interim orders: notification to interested persons

56.2.—(1) Where the court is considering making an order, it may make an interim order.

(2) Where the court makes an interim order, 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.

Interim orders: representations

56.3.—(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 shall have an opportunity to make representations to the court before an order is made.

(3) Representations shall—

- (a) be made in Form 56.3;
- (b) where an urgent hearing is sought, include reasons explaining why an urgent hearing is necessary;

(1) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513), last amended by S.S.I. 2014/349.
(2) Chapter 56 was inserted by S.S.I. 2011/194.

- (c) be lodged no later than 2 days after the interim order is sent to interested persons in accordance with rule 56.2(2).
- (4) Where the period for lodging representations expires on a Saturday, Sunday or public or court holiday, it shall be deemed to expire on the next day on which—
 - (a) the Judiciary Office is open, where the interim order was made by the High Court; or
 - (b) the sheriff clerk’s office is open for criminal court business, where the interim order was made by the sheriff or the JP court.
- (5) On representations being made—
 - (a) the court shall appoint a date and time for a hearing—
 - (i) on the first suitable court day thereafter; or
 - (ii) when 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;
 - (ii) send a copy of the representations to the parties to the proceedings.
- (6) Where no interested party makes representations in accordance with rule 56.3(2), the clerk of court shall put the interim order before the court in chambers in order that the court may resume consideration as to whether to make an order.
- (7) Where the court, having resumed consideration under rule 56.3(6), makes no order, it shall recall the interim order.
- (8) Where the court recalls an interim order, the clerk of court shall immediately notify any interested person.

Notification of reporting restrictions

- 56.4.** 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

- 56.5.—**(1) A person aggrieved by an order may apply to the court for its variation or revocation.
- (2) An application shall be in Form 56.5.
 - (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.”.
- (3) In the appendix—

- (a) for Form 56.3(3) substitute Form 56.3 set out in the Schedule to this Act of Adjournal;
- (b) after Form 56.3, insert Form 56.5 set out in the Schedule to this Act of Adjournal.