
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 85

Act of Sederunt (Rules of the Court of Session and Sheriff Court Rules Amendment No. 3) (Reporting Restrictions) 2015

Amendment of the Rules of the Court of Session

- 2.—(1) The Rules of the Court of Session are amended in accordance with subparagraph (2).
(2) For Chapter 102 (reporting restrictions under the Contempt of Court Act 1981)(1), substitute—

**“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.

Interim orders: notification to interested persons

- 102.2.**—(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

- 102.3.**—(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 by note in process;
(b) where an urgent hearing is sought, include reasons explaining why an urgent hearing is necessary;

(1) Chapter 102 was inserted by [S.S.I. 2011/385](#).

- (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.”.