
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 313

Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016

CHAPTER 16

REPORTING RESTRICTIONS

Interpretation and application of this Chapter

- 16.1.**—(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 sheriff 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

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

Interim orders: representations

- 16.3.**—(1) Paragraph (2) applies where the sheriff 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 sheriff before the order is made.
- (3) Representations are to—
- (a) be made in Form 16.3;
 - (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 16.2(2).
- (4) If representations are made—
- (a) the sheriff is to appoint a date and time for a hearing—
 - (i) on the first suitable court day; or
 - (ii) where the sheriff considers that an urgent hearing is necessary, at an earlier date and time;
 - (b) the sheriff 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 sheriff clerk is to put the interim order before the sheriff in chambers in order that the sheriff may resume consideration of whether to make an order.

(6) Where the sheriff, having resumed consideration, makes no order, the sheriff must recall the interim order.

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

Notification of reporting restrictions

16.4.—(1) Where the sheriff makes an order, the sheriff 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

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

(2) An application is to be made in Form 16.5.

(3) When an application is made—

- (a) the sheriff is to appoint a date and time for a hearing;
- (b) the sheriff 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 sheriff who made the order.