



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 3 **S**

CRIMINAL JUSTICE

Offenders assisting investigations and prosecutions

93 Proceedings under section 92: exclusion of public **S**

- (1) This section applies to—
 - (a) proceedings relating to a referral made under section 92(4); and
 - (b) any other proceedings arising in consequence of those proceedings.
- (2) The court in which those proceedings will be or are taking place may make such order as it thinks appropriate—
 - (a) to exclude from the proceedings any person—
 - (i) who does not fall within subsection (4); or
 - (ii) who does not, in the opinion of the court, have a sufficiently direct interest in the proceedings to justify that person's presence during them;
 - (b) to prohibit the publication of any matter relating to the proceedings (including the fact that the referral has been made).
- (3) Such an order is to be made only to the extent that the court thinks—
 - (a) that it is necessary to protect the safety of any person; and
 - (b) that it is in the interests of justice.
- (4) The following persons fall within this subsection—
 - (a) the judge;
 - (b) an officer of the court;
 - (c) the prosecutor;
 - (d) the other party to the proceedings;
 - (e) counsel or a solicitor for the other party.

Changes to legislation: Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 93 is up to date with all changes known to be in force on or before 29 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (5) This section does not affect any other power which the court has by virtue of any rule of law or other enactment—
- (a) to exclude any person from proceedings; or
 - (b) to prohibit or restrict the publication of any matter to which the proceedings relate;
- or any rule of law or enactment consisting of such an exclusion, prohibition or restriction.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)