



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

2006 asp 10

PART 3

CRIMINAL JUSTICE

Offenders assisting investigations and prosecutions

93 Proceedings under section 92: exclusion of public

- (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.

Status: This is the original version (as it was originally enacted).

- (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.