

2013 No.

COURT OF SESSION

**Act of Sederunt (Rules of the Court of Session Amendment
No. 5) (Reporting Restrictions) 2013**

<i>Made</i> - - - -	***2013
<i>Laid before the Scottish Parliament</i>	***2013
<i>Coming into force</i> - -	***2013

The Lords of Council and Session, under and by virtue of the powers conferred by section 5 of the Court of Session Act 1988(a) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation, commencement etc.

- 1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No. 5) (Reporting Restrictions) 2013.
- (2) It comes into force on [] 2013.
- (3) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Reporting restrictions

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

“CHAPTER 102

REPORTING RESTRICTIONS

Application of this Chapter

102.1. This Chapter applies to orders which restrict the reporting of proceedings.

Notification of consideration of reporting restrictions

102.2.—(1) Paragraph (2) applies where the court is considering making an order.

(a) 1988 c.36; section 5 was amended by the Civil Evidence (Scotland) Act 1988 (c.32), section 2(3); the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), Schedule 9; the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 45; the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(1); and the Judiciary and Courts (Scotland) Act 2008, (asp 6).

(b) 1994 S.I. 1994/1443, last amended by S.S.I. 2013 [].

(c) Chapter 102 was inserted by S.S.I. 2011/385.

(2) The clerk of court shall immediately arrange for a copy of the draft order to be sent to those persons who have asked to see any such draft order and whose names are on the list kept by the Lord President for that purpose.

(3) The draft order shall be accompanied by a note setting out the circumstances out of which the making of an order is being considered.

Representations

102.3.—(1) A 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.

(2) Representations shall be made by note in process and lodged no later than 48 hours after notification is made in accordance with rule 102.2.

(3) On representations being made the court shall—

- (a) appoint a date for a hearing;
- (b) provide written intimation of the date and time of the hearing, together with a copy of the representations, to the parties to the proceedings.

Non-notification

102.4.—(1) Paragraph (2) applies where there are compelling reasons why notification should not be made in accordance with rule 102.2 (notification of consideration of reporting restrictions).

(2) The court may dispense with rule 104.2 and 104.3.

Notification of reporting restrictions

102.5.—(1) Paragraph (2) applies where the court has made an order.

(2) The clerk of court shall immediately arrange—

- (a) for a copy of the order to be sent to those persons who have asked to see any such order made by the court and whose names are on the list kept by the Lord President for that purpose;
- (b) for the publication of the making of the order on the website used to provide official information about the Scottish Courts.

Applications for variation or revocation

102.6.—(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 the court shall—

- (a) appoint the application for a hearing;
- (b) provide written intimation of the date and time of the hearing, together with 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.

(5) The decision of the court is final.”.

Edinburgh
Date

Lord President
I.P.D.

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes amendments to the Rules of the Court of Session 1994.