

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2017 No.**

**The Telecommunications Restriction Orders  
(Custodial Institutions) (Scotland) Regulations 2017**

**Notice and information to be given by the applicant**

- 5.—(1) The applicant when applying for a telecommunications restriction order must—
- (a) ensure notice of the application is given to the communications provider;
  - (b) take reasonable steps to give notice of the application to any affected person of whom they are aware;
  - (c) ensure the communications provider is informed that it may submit written representations and evidence;
  - (d) inform any affected person notified under sub-paragraph (b) that they may become a party to the proceedings and submit written representations and evidence.

(2) Where—

- (a) a telecommunications restriction order contains provisions made by virtue of regulation 3(4); and
- (b) the applicant subsequently discovers that a communication device in relation to which the order, or any particular requirement of it, would apply (but for that provision) is not inside a custodial institution, or is in the possession of a person who has authorisation to possess it,

the applicant must notify the communications provider of the discovery and inform the provider in writing that, accordingly, the order or requirement does not apply in relation to that device.