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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 85**

**Act of Sederunt (Rules of the Court of Session and Sheriff Court Rules Amendment No. 3) (Reporting Restrictions) 2015**

**Amendment of the Summary Application Rules**

- 4.—(1) The Summary Application Rules are amended in accordance with subparagraph (2).  
(2) For Part XLI (reporting restrictions under the Contempt of Court Act 1981) of Chapter 3 (rules on applications under specific statutes)(1), substitute—

**“PART XLI**

**REPORTING RESTRICTIONS**

**Interpretation and application of this Part**

- 3.41.1.**—(1) This Part applies to orders which restrict the reporting of proceedings.  
(2) In this Part, “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 Part.

**Interim orders: notification to interested persons**

- 3.41.2.**—(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 shall immediately send a copy of the interim order to any interested person.  
(3) The sheriff shall specify in the interim order why the sheriff is considering making an order.

**Interim orders: representations**

- 3.41.3.**—(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 shall have an opportunity to make representations to the sheriff before an order is made.  
(3) Representations shall—  
(a) be made by letter addressed to the sheriff clerk;

- (b) where an urgent hearing is sought, include reasons explaining why an urgent hearing is necessary;
  - (c) be lodged no later than 2 days after the interim order is sent to interested persons in accordance with rule 3.41.2(2).
- (4) Where the period for lodging representations expires on a Saturday, Sunday, or public or court holiday, it shall be deemed to expire on the next day on which the sheriff clerk's office is open for civil court business.
- (5) On representations being made—
- (a) the sheriff shall appoint a date and time for a hearing—
    - (i) on the first suitable court day thereafter; or
    - (ii) where the sheriff is satisfied that an urgent hearing is necessary, at such earlier date and time as the sheriff may determine;
  - (b) the sheriff clerk shall—
    - (i) notify the date and time of the hearing to the parties to the proceedings and the person who has made representations; and
    - (ii) send a copy of the representations to the parties to the proceedings.
- (6) Where no interested person makes representations in accordance with rule 3.41.3(2), the sheriff clerk shall put the interim order before the sheriff in chambers in order that the sheriff may resume consideration as to whether to make an order.
- (7) Where the sheriff, having resumed consideration under rule 3.41.3(6), makes no order, the sheriff shall recall the interim order.
- (8) Where the court recalls an interim order, the clerk of court shall immediately notify any interested person.

#### **Notification of reporting restrictions**

- 3.41.4.** Where the sheriff makes an order, the sheriff clerk shall 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 Court Service website.

#### **Applications for variation or revocation**

- 3.41.5.**—(1) A person aggrieved by an order may apply to the sheriff for its variation or revocation.
- (2) An application shall be made by letter addressed to the sheriff clerk.
  - (3) On an application being made—
    - (a) the sheriff shall appoint the application for a hearing;
    - (b) the sheriff clerk shall—
      - (i) notify the date and time of the hearing to the parties to the proceedings and the applicant;
      - (ii) send a copy of the application to the parties to the proceedings.
  - (4) The hearing shall, so far as reasonably practicable, be before the sheriff who made the order.”.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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