
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 6

INCIDENTAL PROCEDURE: SPECIAL PROCEDURES

CHAPTER 28

REPORTING RESTRICTIONS

Application and interpretation of this Chapter

- 28.1.**—(1) This Chapter applies to orders which restrict the reporting of proceedings.
- (2) In this Chapter “interested person” means a person—
- (a) who has asked to see any order made by the Court 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 Chapter.

Commencement Information

- II** Para. 28.1 in force at 6.1.2022, see [para. 1.1\(2\)](#)

[^{F1}Application for an order

28.1A.—(1) A party to the proceedings may apply to the court for an order under this Chapter to restrict the reporting of the proceedings.

(2) An application for an order under this Chapter must be made by motion and be accompanied by Form 28.1A.]

Textual Amendments

- F1** Rule 28.1A inserted (2.10.2023) by Act of Sederunt (Rules of the Court of Session 1994, Sheriff Appeal Court Rules and Sheriff Court Rules Amendment) (Miscellaneous) 2023 (S.S.I. 2023/196), paras. 1(2), 3(2)

Interim orders

28.2.—(1) Where the Court is considering making an order, the Court must first make an interim order.

- (2) The Clerk must immediately send a copy of the interim order to any interested person.
- (3) The Court must specify in the interim order why the Court is considering making an order.

Commencement Information

I2 Para. 28.2 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Representations

28.3.—(1) An interested person who would be directly affected by the making of an order must be given an opportunity to make representations to the Court before the order is made.

(2) Representations must—

- (a) be made in Form 28.3;
- (b) include reasons why an urgent hearing is necessary, if an urgent hearing is sought;
- (c) be lodged no later than 2 days after the interim order is sent to interested persons in accordance with rule 28.2(2).

(3) If representations are made—

- (a) the Court must appoint a date and time for a hearing—
 - (i) on the first suitable court day; or
 - (ii) where the Court considers that an urgent hearing is necessary, at an earlier date and time;
- (b) the Clerk must—
 - (i) notify the date and time of the hearing to the parties to the proceedings and any person who has made representations;
 - (ii) send a copy of the representations to the parties.

(4) Where no interested person makes representations in accordance with paragraph (3), the Clerk must put the interim order before the Court in chambers in order that the Court may resume consideration of whether to make an order.

(5) Where the Court, having resumed consideration, makes no order, it must recall the interim order.

(6) Where the Court recalls an interim order, the Clerk must immediately notify any interested person.

Commencement Information

I3 Para. 28.3 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Notification of reporting restrictions

28.4. Where the Court makes an order, the Clerk must 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 Courts and Tribunals Service website.

Commencement Information

I4 Para. 28.4 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Applications for variation or revocation

- 28.5.**—(1) A person aggrieved by an order may apply to the Court for its variation or revocation.
- (2) An application is to be made in Form 28.5.
- (3) When an application is made—
- (a) the Court must appoint a date and time for a hearing;
 - (b) the Clerk must—
 - (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.
- (4) The hearing is, so far as reasonably practicable, to be before the Appeal Sheriff or Appeal Sheriffs who made the order.

Commencement Information

I5 Para. 28.5 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Act of Sederunt (Sheriff Appeal Court Rules) 2021, CHAPTER 28.