
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 196

**Act of Sederunt (Rules of the Court of Session
1994, Sheriff Appeal Court Rules and Sheriff
Court Rules Amendment) (Miscellaneous) 2023**

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994, Sheriff Appeal Court Rules and Sheriff Court Rules Amendment) (Miscellaneous) 2023.

(2) It comes into force on 2nd October 2023.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994(1) are amended in accordance with this paragraph.

(2) In Chapter 102 (reporting restrictions)(2), after rule 102.1 (interpretation and application of this Chapter) insert—

“Application for an order

102.1A.—(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 102.1A.”.

(3) In the appendix (forms)(3), after Form 97.12 (form of intimation of hearing of application for a parental order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008)(4) insert Form 102.1A (form of application for an order restricting the reporting of proceedings) as set out in schedule 1 of this Act of Sederunt.

Amendment of the Sheriff Appeal Court Rules 2021

3.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2021(5) is amended in accordance with this paragraph.

(2) In Chapter 28 (reporting restrictions), after rule 28.1 (application and interpretation of this Chapter) insert—

(1) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.I. 2023/168.
(2) Chapter 102 was inserted by S.I. 2011/385, substituted by S.I. 2015/85 and last amended by S.I. 2020/28.
(3) The appendix (forms) was last amended by S.I. 2022/329.
(4) Form 97.12 was inserted by S.I. 2010/136.
(5) S.I. 2021/468 was amended by S.I. 2022/135.

“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.”.

(3) In schedule 2 (forms), after Form 26.2-C (application for review of arrangements for vulnerable witnesses) insert Form 28.1A (form of application for an order restricting the reporting of proceedings) as set out in schedule 2 of this Act of Sederunt.

Amendment of the Sheriff Appeal Court Rules 2015

4.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2015⁽⁶⁾, as saved by the Act of Sederunt (Sheriff Appeal Court Rules) 2021, is amended in accordance with this paragraph.

(2) In Chapter 26 (reporting restrictions)⁽⁷⁾, after rule 26.1 (interpretation and application of this Chapter) insert—

“Application for an order

26.1A.—(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 26.1A.”.

(3) In schedule 2 (forms)⁽⁸⁾, after Form 24.2-C (application for review of arrangements for vulnerable witnesses) insert Form 26.1A (form of application for an order restricting the reporting of proceedings) as set out in schedule 3 of this Act of Sederunt.

Amendment of the Ordinary Cause Rules 1993

5.—(1) The Ordinary Cause Rules 1993⁽⁹⁾ are amended in accordance with this paragraph.

(2) In Chapter 48 (reporting restrictions)⁽¹⁰⁾, after rule 48.1 (interpretation and application of this Chapter) insert—

“Application for an order

48.1A.—(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 48.1A.”.

(3) In Appendix 1 (forms), after Form OFT1 (form of notice of intimation to the Office of Fair Trading)⁽¹¹⁾ insert Form 48.1A (form of application for an order restricting the reporting of proceedings) as set out in schedule 4 of this Act of Sederunt.

⁽⁶⁾ S.S.I. 2015/356, revoked with savings by S.S.I. 2021/468 and last amended by S.S.I. 2022/135.

⁽⁷⁾ Chapter 26 was last amended by S.S.I. 2020/28.

⁽⁸⁾ The appendix (forms) was last amended by S.S.I. 2021/452.

⁽⁹⁾ The Ordinary Cause Rules 1993 are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956 and last amended by S.S.I. 2022/329.

⁽¹⁰⁾ Chapter 48 was inserted by S.S.I. 2011/386, substituted by S.S.I. 2015/85 and amended by S.S.I. 2020/28.

⁽¹¹⁾ Form OFT1 was inserted by S.S.I. 2006/293 and amended by S.S.I. 2012/271.

Amendment of the Summary Application Rules

6.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999⁽¹²⁾ is amended in accordance with this paragraph.

(2) In Chapter 3 (rules on applications under specific statutes)—

(a) in Part XLI (reporting restrictions)⁽¹³⁾, after rule 3.41.1 (interpretation and application of this Part) insert—

“Application for an order

3.41.1A.—(1) A party to the proceedings may apply to the court for an order under this Part to restrict the reporting of the proceedings.

(2) An application for an order under this Part must be made by motion and be accompanied by Form 58A.”;

(b) in Part LIV (sexual harm prevention orders and sexual risk orders)⁽¹⁴⁾, in rule 3.54.4(6) (variation, renewal or discharge or sexual harm prevention orders or sexual risk orders) for “paragraph (4)(b)” substitute “paragraph (4)(c)”.

(3) In schedule 1 (forms), after Form 58 (form of order for disposal of a body)⁽¹⁵⁾ insert Form 58A (form of application for an order restricting the reporting of proceedings) as set out in schedule 5 of this Act of Sederunt.

Edinburgh
27th June 2023

CJM SUTHERLAND
Lord President
I.P.D.

⁽¹²⁾ S.I. 1999/929, last amended by S.S.I. 2023/62.

⁽¹³⁾ Part XLI was inserted by S.S.I. 2011/386, substituted by S.S.I. 2015/85 and amended by S.S.I. 2020/28.

⁽¹⁴⁾ Part LIV was inserted by S.S.I. 2023/62.

⁽¹⁵⁾ Form 58 was inserted by S.S.I. 2009/320.