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STATUTORY INSTRUMENTS

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**2009 No. 2100**

**The Court Martial and Service Civilian Court (Youth Justice and Criminal Evidence Act 1999) Rules 2009**

**PART 4**

**Restrictions on reporting**

**Application for an excepting direction under section 46(9) of the 1999 Act**

**12.**—(1) An application for an excepting direction under section 46(9) of the 1999 Act (a direction dispensing with restrictions imposed by a reporting direction) may be made by—

- (a) a party to those proceedings; or
  - (b) any person who, although not a party to the proceedings, is directly affected by a reporting restriction given in relation to a witness in those proceedings.
- (2) If an application for an excepting direction is made, the applicant must state why—
- (a) the effect of a reporting direction imposed places a substantial and unreasonable restriction on the reporting of the proceedings; and
  - (b) it is in the public interest to remove or relax those restrictions.
- (3) An application for an excepting direction may be made—
- (a) in writing, pursuant to paragraph (4), at any time after the commencement of the proceedings in the court; or
  - (b) orally, at a hearing of an application for a reporting direction.
- (4) A written application for an excepting direction must include the following information—
- (a) name, address and date of birth of the witness (or the reason for not giving these details);
  - (b) brief details of the charges to which the application applies;
  - (c) the extent to which the applicant invites the court to dispense with the restrictions imposed by the reporting direction;
  - (d) why—
    - (i) the reporting direction is or would be a substantial and unreasonable restriction on the reporting of proceedings and it is in the public interest to remove or relax that restriction; or
    - (ii) it would be in the interests of justice to do so;
  - (e) if an applicant is not a party to the proceedings, state why he is directly affected by a reporting direction given in relation to a witness in those proceedings.
- (5) If an application for an excepting direction is made in writing, the applicant must—
- (a) send it to the court administration officer; and
  - (b) at the same time, send copies to every party to the proceedings.

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**Status:** This is the original version (as it was originally made).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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(6) Any person served with a copy of an application for an excepting direction who wishes to oppose it, must notify the applicant and court administration officer in writing of his opposition and give reasons for it.

(7) The notification under paragraph (6) must be given within 5 working days of the date the application was served on him unless an extension of time is granted under rule 14.