

# **COURT OF SESSION**

## **PRACTICE NOTE**

**No. 1 of 2023**

### **Reporting Restrictions**

1. This Practice Note has effect from 2 October 2023. It supplements Practice Note No. 1 of 2015.
2. The purpose of this Practice Note is to provide updated guidance on the court's approach to reporting restrictions taking into account the changes to Chapter 102 of the Rules of the Court of Session made by Act of Sederunt (Rules of the Court of Session 1994, Sheriff Appeal Court Rules and Sheriff Court Rules Amendment) (Reporting Restrictions) 2020 and Act of Sederunt (Rules of the Court of Session 1994, Sheriff Appeal Court Rules and Sheriff Court Rules Amendment) (Miscellaneous) 2023.

### **Procedure for the making of reporting restrictions**

3. A party applying to the Court for a reporting restriction must make that application by motion. The motion must be accompanied by Form 102.1A. This will give the Court detailed reasons as to why the reporting restriction is sought. The requirement that the motion be accompanied by Form 102.1A applies whether the motion is made in writing or orally. The Form 102.1A is to be intimated to the other party/ parties along with the motion.
4. When the Court is considering making an order restricting the reporting of proceedings, it must first make an interim order. When an interim order is made, notification will be given to any interested person. An interested person is a person who has asked to see any order made by the Court restricting the reporting of proceedings and whose name appears on the list kept by the Lord President for the purposes of Chapter 102.
5. Interested persons have two days to make representations on the interim order, if so advised. Where representations are lodged a hearing will be fixed. If no representations are lodged, the clerk will put the interim order before

the Court in chambers so that it may resume consideration of whether to make an order. If no order is made, the Court must recall the interim order.

6. Where an order has been made, interested persons will again be notified via email and the making of the order will appear on the Scottish Courts and Tribunals Service website. Any person aggrieved by the making of the order may at any time thereafter apply for the revocation or variation of the order.

*C J M Sutherland*

Lord President

Edinburgh

26 September 2023