

REPORTERS' GUIDE



Introduction

The Scottish courts have a long tradition of dealing with cases in public to promote open justice and ensure that justice is seen to be done.

The media undertake an important public scrutiny role by reporting court and tribunal cases, and are vital to ensuring public confidence in the justice system and the rule of law.

For this reason, the SCTS is committed to supporting journalists to report proceedings fairly, accurately and in a timely manner, allowing the media to fulfil their role as the eyes and ears of the public in our courts.

This guide seeks to promote reporting in courts and tribunals by setting out the rights and obligations of reporters.

We would encourage all bona fide reporters to [register for the SCTS media registration scheme](#) if they have not already done so.

Reporting on proceedings

Attendance

The default position is that the media are entitled to attend court and tribunal hearings, including remote access to online hearings. Even when a court is closed to members of the public, the media will usually be allowed to attend. The exceptions to this include petition hearings in criminal cases. The judge or sheriff or tribunal chair may impose reporting restrictions which the media are bound by law to follow.

Journalists should adhere to Contempt of Court orders issued which can be found on the [SCTS website](#) and it is the media's responsibility to ensure that what they publish complies with the law. SCTS staff cannot provide legal advice.

Reporting proceedings

Journalists can take notes of the proceedings within the courtroom. The media are entitled to publish, and include in a broadcast report, details of what happens in open court and tribunal proceedings unless a statutory restriction applies, or a court order prevents this.

Identification

Journalists will be asked to provide identification when seeking information in court. SCTS media cards are an acceptable form of media identification, as are NUJ membership cards, UK Press Cards and identification from reporters' media organisations.

Use of phones and laptops

Mobile phones and other text-based devices such as laptops can be used by the media in the courtroom as long as they do not disturb court users.

Wifi

Journalists are able to access SCTS guest WiFi within court and tribunal buildings. Contact [SCTS communications](#) for information on how to gain access.

Social media

Journalists who are registered with SCTS may use live text-based communication, such as email or social media, under the conditions of [section 6 of the Broadcast Protocol](#), without the need for permission from the presiding/chairing judge. A registered journalist must display his or her registration card before doing so in court. A journalist who is not registered with SCTS must apply for permission from the presiding/chairing judge via [Judicial Communications](#).

Photography

Photography within a court building or its precincts is not permitted without judicial approval following application to the Lord President (for the High Court and Parliament

House) or the relevant sheriff principal (for any sheriff or justice of the peace court). In order to apply please contact [Judicial Communications](#).

Filming and sound recording

Filming or recording of court proceedings or within the court buildings is prohibited unless permission has been granted under the [Broadcast Protocol](#). In order to apply please contact [Judicial Communications](#).

When a hearing is being [livestreamed on the SCTS website](#), accredited journalists can record proceedings to assist with reporting.

Press rooms

Courts and tribunals will endeavour, where building space and capacity allows, to provide a press room or private space for journalists.

Court documents

If a court document such as a joint minute or character reference has been read out in full in open court, it can be shown to the media. If it has been referred to in open court but not read out in full, any requests to view it will be considered by the presiding judge / chair on a case by case basis. If permitted, documents can be provided by court staff or made available via [SCTS Communications](#).

Productions

Productions, including images, in criminal cases are under the control of the Crown Office and Procurator Fiscal Service (COPFS) and any requests relating to these should be directed to the [COPFS media relations team](#) who will consider each request carefully. Arrest images of convicted people subject to a custodial sentence may be available from [Police Scotland](#).

Access to case information

Media portal

The SCTS [media portal](#) allows registered journalists to access certain criminal case information up to a week prior to the case calling. This includes hearing dates, details of the accused and the headline charges.

Court rolls

The court rolls are published on the [SCTS website](#) in advance of hearings.

Complaints / indictments

Journalists can access complaints or indictments at the relevant court building. High Court indictments can also be provided securely online using Objective Connect in some cases.

These can usually be viewed one working day before the case calls in open court for the first time.

Judgments

Many court decisions are made orally at the time of the hearing. Others may be reserved and issued, usually in writing, at a later date.

Written decisions are usually published on the [SCTS website](#).

As a general rule, Sheriff Court judgments will be published unless there is a requirement, or otherwise good reason, not to publish.

Written decisions from the Supreme Courts are usually published, however, there may be circumstances when a particular decision is not published because to do so would not be in the interests of justice.

If journalists are interested in viewing a judgment that has not been published, they should contact the relevant court or the [SCTS Communications Team](#).

Sentencing statements

In some cases, judges will prepare a sentencing statement setting out the reasons for the sentence handed down. These are published on the [Judiciary of Scotland website](#).

Fatal Accident Inquiries

Fatal Accident Inquiry hearing dates and published determinations can be found on the [SCTS website](#).

Petition cases

Court staff cannot provide information on petition cases, which are heard in private. Please contact the [COPFS communications team](#) who will be able to provide an outline of the charges and other information to allow journalists to track the progression of the case.

Civil cases

Before the written pleadings are finalised

Journalists are entitled to receive the names of parties and legal representatives. If the case has called in open court, details of what was discussed in court can be provided.

After the written pleadings are finalised

Once the pleadings have been finalised, journalists can usually be permitted access to them. Access to the finalised pleadings and notes of argument is to assist with accurate reporting on what happens in court. Journalists should not, however, publish details which have not been brought out in open court.

These documents can be provided by court staff or the [SCTS communications team](#).

Other case information

For factual information about cases in court please contact the relevant court directly ([see our court locations](#)) or [SCTS communications](#).

Further detail on what information is available at different stages of proceedings is available in the full [SCTS media guide](#).



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