
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 386

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 3) 2011**

Ordinary Cause Rules: Reporting restrictions

- 3.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraph.
(2) After Chapter 47 (actions of division and sale and orders for division and/or sale of property)(1), insert—

“CHAPTER 48

REPORTING RESTRICTIONS UNDER THE CONTEMPT OF COURT ACT 1981

Interpretation and application of this Chapter

- 48.1.** In this Chapter “the 1981 Act” means the Contempt of Court Act 1981(2).

Notification of reporting restrictions etc.

48.2.—(1) Paragraph (2) applies where the sheriff makes an order under section 4(2) of the 1981 Act (order postponing publication of report of legal proceedings).

- (2) The sheriff clerk shall immediately arrange—
- (a) for a copy of the order to be sent to those persons who have asked to see any such order made by the sheriff and whose names are on the list kept by the Lord President for that purpose;
 - (b) for the publication of the making of the order on the website used to provide official information about the Scottish courts.

Applications for variation or revocation

48.3.—(1) A person aggrieved by the terms of an order made under section 4(2) of the 1981 Act may apply to the sheriff for its variation or revocation.

- (2) An application shall be made by letter addressed to the sheriff clerk.
(3) On an application being made the sheriff shall—
- (a) appoint the application for a hearing;
 - (b) order written intimation of the date and time of the hearing, together with a copy of the application, to the parties to the proceedings.
- (4) The hearing shall—

(1) Chapter 47 is inserted by paragraph 2 of this Act of Sederunt.
(2) 1981 c.49.

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- (a) unless there are exceptional circumstances or a later date is requested by the applicant, take place within 48 hours of receipt of the application by the sheriff clerk;
 - (b) so far as reasonably practicable, be before the sheriff who made the order.
- (5) The decision of the sheriff is final.”.