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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 28**

**COURT OF SESSION  
SHERIFF APPEAL COURT  
SHERIFF COURT**

**Act of Sederunt (Rules of the Court of Session  
1994, Sheriff Appeal Court Rules and Sheriff Court  
Rules Amendment) (Reporting Restrictions) 2020**

*Made* - - - - *12th February 2020*  
*Laid before the Scottish*  
*Parliament* - - - - *14th February 2020*  
*Coming into force* - - *2nd March 2020*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(1), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 103(1) and 104(1) of the Courts Reform (Scotland) Act 2014(2) and all other powers enabling it to do so.

**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) (Reporting Restrictions) 2020.

(2) It comes into force on 2nd March 2020.

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

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(1) [2013 asp 3](#). Section 4 was amended by the Courts Reform (Scotland) Act 2014 ([asp 18](#)), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ([asp 2](#)), schedule 1, paragraph 1(4).

(2) [2014 asp 18](#).

### **Amendment of the Rules of the Court of Session**

2.—(1) The Rules of the Court of Session 1994<sup>(3)</sup> are amended in accordance with this paragraph.

(2) In Chapter 102 (reporting restrictions)<sup>(4)</sup>—

- (a) in rule 102.2 (interim orders: notification to interested persons)—
  - (i) for the heading substitute “**Interim orders**”;
  - (ii) in paragraph (1) for “may” substitute “must first”;
  - (iii) in paragraph (2) omit “Where the courts makes an interim order,”;
- (b) in rule 102.3 (interim orders: representations)—
  - (i) for the heading substitute “**Representations**”;
  - (ii) omit paragraph (1).

### **Amendment of the Sheriff Appeal Court Rules 2015**

3.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2015<sup>(5)</sup> is amended in accordance with this paragraph.

(2) In Chapter 26 (reporting restrictions)—

- (a) in rule 26.2 (interim orders: notification to interested persons)—
  - (i) for the heading substitute “**Interim orders**”;
  - (ii) in paragraph (1) for “may” substitute “must first”;
  - (iii) in paragraph (2) omit “Where the court makes an interim order,”;
- (b) in rule 26.3 (interim orders: representations)—
  - (i) for the heading substitute “**Representations**”;
  - (ii) omit paragraph (1).

### **Amendment of the Ordinary Cause Rules 1993**

4.—(1) The Ordinary Cause Rules 1993<sup>(6)</sup> are amended in accordance with this paragraph.

(2) In Chapter 48 (reporting restrictions)<sup>(7)</sup>—

- (a) in rule 48.2 (interim orders: notification to interested persons)—
  - (i) for the heading substitute “**Interim orders**”;
  - (ii) in paragraph (1) for “may” substitute “must first”;
  - (iii) in paragraph (2) omit “Where the court makes an interim order,”;
- (b) in rule 48.3 (interim orders: representations)—
  - (i) for the heading substitute “**Representations**”;
  - (ii) omit paragraph (1).

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(3) 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.S.I. 2019/405).

(4) Chapter 102 was inserted by S.S.I. 2011/385 and substituted by S.S.I. 2015/85.

(5) S.S.I. 2015/356, last amended by S.S.I. 2019/74.

(6) 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. 2019/123.

(7) Chapter 48 was inserted by S.S.I. 2011/386 and substituted by S.S.I. 2015/85.

### **Amendment of the Summary Application Rules 1999**

5.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999<sup>(8)</sup> is amended in accordance with this paragraph.

(2) In Chapter 3 (rules on applications under specific statutes), Part XLI (reporting restrictions)<sup>(9)</sup>—

(a) in rule 3.41.2 (interim orders: notification to interested persons)—

(i) for the heading substitute “**Interim orders**”;

(ii) in paragraph (1) for “may” substitute “must first”;

(iii) in paragraph (2) omit “Where the court makes an interim order,”;

(b) in rule 3.41.3 (interim orders: representations)—

(i) for the heading substitute “**Representations**”;

(ii) omit paragraph (1).

Edinburgh  
12th February 2020

*CJM SUTHERLAND*  
Lord President  
I.P.D.

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<sup>(8)</sup> S.I. 1999/929, last amended by S.S.I. 2019/405.

<sup>(9)</sup> Part XLI was inserted by S.S.I. 2011/386 and substituted by S.S.I. 2015/85.

**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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## **EXPLANATORY NOTE**

*(This note is not part of the Act of Sederunt)*

This Act of Sederunt amends the Rules of the Court of Session 1994, the Act of Sederunt (Sheriff Appeal Court Rules) 2015, the Ordinary Cause Rules 1993 and the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999.

The amendments have the effect of requiring that where the judge or court, as the case may be, is considering making a reporting restriction order then an interim order must always be made first.