

ANNEX B

CONSULTATION QUESTIONNAIRE

1. Do you agree or disagree that new rules should be made in respect of reporting restrictions? *(Please tick as appropriate)*

Agree

Disagree

No Preference

Comments

2. Do you agree or disagree that the amendments in the draft rules be replicated in the existing rules for the sheriff court and for the criminal courts?

Agree

Disagree

No Preference

Comments

3. Which would you consider preferable: a standalone set of rules applicable across the Court of Session and sheriff court, or separate rules for each?

It would be preferable to have a standalone set of rule applicable across the Court of Session and sheriff court

It would be preferable for the Court of Session and the sheriff court to each have separate rules.

No Preference

Comments

We would consider it preferable, given that the proposals apply to all court proceedings, for a standalone set of rules to apply to both Court of Session and sheriff court cases.

4. Do you consider that any particular or special provision would require to be made in respect of these matters in different types of court proceedings? Please give details.

Agree

Disagree

No Preference

Comments

We do not consider it necessary that particular provision would require to be made. It is noted that in proceedings relating to children in terms of section 46 of the Children and Young Persons (Scotland) Act 1937, special provision has been provided for.

5. Do you agree or disagree with the approach adopted in rule 102.1, i.e. that the rules apply to "orders which restrict the reporting of proceedings"? If you disagree, please give reasons for your answer.

Agree

Disagree

No Preference

Comments

6. Do you consider the 48 hour period for making representations to the court under rule 102.3 to be appropriate? Please give reasons.

Yes

No

No Preference

Comments

We agree that the 48 hour period provides an appropriate balance between the need for the order and the right of the media to make representations.

7. If you answered "no" to question 6, what alternative period do you consider would be appropriate?

Comments
Not applicable.

8. Do you agree or disagree with the terms of rule 102.4 in respect of non-notification? Please give reasons for your answer.

Agree Disagree No Preference

Comments
We agree with the terms of rule 102.4. This proposal reflects section 12(2)(b) of the 1998 Act.

9. Do you have any other comments on the proposals contained in this paper?

Yes

No

Comments

