

**ORGANISATION: Sheriffs Principal**

**ADDRESS: Sheriff Court House**

**Tay Street**

**Perth**

**PH2 8NL**

**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

We are content that new rules along the lines now proposed should be made if the Council and the Lord President think fit.

- 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

There is in our view no good reason for differentiating between the various courts in a matter such as this.

**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

In this matter a standalone set of rules covering all courts will be more readily understood and less complex to enact.

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 envisage any particular type of court proceedings requiring special provision in a matter of this sort.

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

No comment.

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 period should be kept as short as reasonably possible and that 48 hrs fits that requirement. We consider however that it will be necessary to make clear whether "48 hrs" includes non-business days or not.

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

Situations are bound to arise where persons will desire to prevent it being known that there is even an order in prospect, but in general we think such persons should not be too readily indulged and therefore suggest that R102.4(2) should read "(2) The court, if persuaded that said reasons are sufficiently compelling, may dispense with rule 102.2 and 102.3." (correcting obvious misprints).

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

Yes

No

Comments

We have no further comment to make.