



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 5

CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

Variation or termination of order by sheriff

51 Determination by sheriff

- (1) This section applies where an application is made under section 48 in relation to a child protection order.
- (2) The sheriff must, before determining the application, give the following persons an opportunity to make representations—
 - (a) the applicant,
 - (b) the child in respect of whom the child protection order is made,
 - (c) each relevant person in relation to the child,
 - (d) any person not falling within paragraph (c) who the sheriff considers to have (or to recently have had) a significant involvement in the upbringing of the child,
 - (e) the applicant for the child protection order,
 - (f) the relevant local authority for the child (if the authority did not apply for the child protection order),
 - (g) the Principal Reporter.
- (3) The application must be determined within 3 working days after the day on which it is made.
- (4) The child protection order ceases to have effect at the end of that period if the application is not determined within that period.
- (5) The sheriff may—
 - (a) terminate the child protection order if the sheriff is not satisfied of—
 - (i) where the order was made under section 38, the matters mentioned in subsection (2)(a) to (d) of that section, or

Status: This is the original version (as it was originally enacted).

- (ii) where the order was made under section 39, the matters mentioned in subsection (2)(a) and (b) of that section,
 - (b) vary the child protection order (including by terminating, varying or including an information non-disclosure direction, a contact direction or a parental responsibilities and rights direction), or
 - (c) confirm the child protection order.
- (6) If the sheriff orders that the child protection order is to be terminated, the order ceases to have effect at the end of the hearing before the sheriff.