

## SCHEDULE

### SHERIFF COURT ADOPTION RULES 2009

## CHAPTER 4

### PERMANENCE ORDERS

#### **Preliminary hearing**

- 35.**—(1) At the preliminary hearing the sheriff must—
- (a) if no form of response has been lodged under rule 34, dispose of the case or make such other order as he considers appropriate;
  - (b) if a form of response has been lodged—
    - (i) ascertain from the parties the anticipated length of any proof that may be required;
    - (ii) fix a diet of proof not less than 12 and not more than 16 weeks after the date of the preliminary hearing or any continuation thereof unless, on cause shown, a longer period is appropriate;
    - (iii) fix a pre-proof hearing not less than 2 and not more than 6 weeks before the diet of proof; and
    - (iv) order answers and any other documents to be lodged within 21 days of the date of the preliminary hearing or any continuation thereof or such other period as he considers appropriate.
- (2) The sheriff may, on cause shown, of his own motion or on the motion of any party, allow a continuation of the preliminary hearing on one occasion only for a period not exceeding 4 weeks.
- (3) At the preliminary hearing the sheriff may—
- (a) if he is not satisfied that the facts stated in the petition are supported by the documents lodged with it or by the reports of the curator *ad litem* and reporting officer, order the production of further documents; and
  - (b) make such other order as he considers appropriate for the expeditious progress of the case.
- (4) Any answers lodged under paragraph (1)(b)(iv) shall be in numbered paragraphs corresponding to the numbered paragraphs of the report mentioned in rule 31(2)(b).