

## SCHEDULE

### SHERIFF COURT ADOPTION RULES 2009

## CHAPTER 4

### PERMANENCE ORDERS

#### Revocation

**42.—(1)** An application under section 98(1) of the 2007 Act for revocation of a permanence order shall—

- (a) be made by minute in Form 20 in the process of the original application; and
- (b) specify detailed proposals for the future welfare of the child.

(2) A minute under paragraph (1) must contain—

- (a) the name and address of the applicant;
- (b) the applicant's relationship to and interest in the child;
- (c) the name and address of the local authority on whose application the permanence order was granted;
- (d) details of the original application;
- (e) details of any other person affected by the order;
- (f) the grounds on which revocation is sought;
- (g) details of whether the child is subject to a supervision requirement under section 70 of the 1995 Act;
- (h) details of the order sought by the applicant.

(3) On the lodging of a minute under paragraph (1), the sheriff must order the applicant to intimate the minute to the petitioner in the original application, where it is not the applicant, to any other person affected by the order and to such other persons as he considers appropriate.

(4) Any person to whom intimation has been given under paragraph (3) may, within 14 days after the date on which intimation is made, lodge answers to the minute.

(5) The sheriff must, on the lodging of a minute under paragraph (1), appoint a curator *ad litem*.

(6) Where answers have been lodged under paragraph (4), the sheriff—

- (a) must order a hearing to be fixed; and
- (b) may order the relevant local authority to submit a report to him.

(7) Where no answers have been lodged under paragraph (4) the sheriff may—

- (a) order the relevant local authority to submit a report to him;
- (b) order a hearing to be fixed;
- (c) order both such a report and such a hearing.

(8) Where the sheriff orders a hearing to be fixed under paragraph (6) or (7) he may also order a pre-proof hearing to be fixed not less than 2 and not more than 6 weeks before the hearing.

(9) Rule 36 is to apply, with any necessary modifications, to any pre-proof hearing fixed under paragraph (8).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(10) The sheriff shall order the applicant to intimate any hearing fixed under paragraph (6), (7) or (8) to the petitioner in the original application, where it is not the applicant, to any other person affected by the order and to such other persons as the sheriff considers appropriate.

(11) A hearing fixed under this rule is to be taken continuously so far as possible but the sheriff may adjourn the diet from time to time.

(12) An order made in respect of an application under paragraph (1) may specify the person—

(a) on whom parental responsibilities are imposed in consequence of the making of the order;  
and

(b) to whom parental rights are given in consequence of the making of the order.