
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 172

**Act of Sederunt (Children’s Hearings (Scotland)
Act 2011) (Miscellaneous Amendments) 2013**

Adoption Rules

6.—(1) The Sheriff Court Adoption Rules 2009 are amended in accordance with the following subparagraphs.

(2) In rule 1(2) (citation and interpretation)—

(a) after the defined term “the 2007 Act” and associated definition insert—

““the 2011 Act” means the Children’s Hearings (Scotland) Act 2011 and (except where the context otherwise requires) references to terms defined in that Act have the same meaning here as given there;”;

(b) for the definition of “Principal Reporter” substitute ““Principal Reporter” is the person referred to in section 14 of the Children’s Hearings (Scotland) Act 2011 or any person carrying out the functions of the Principal Reporter by virtue of paragraph 10(1) of schedule 3 to that Act”;

(c) before the definition of “Registrar General” insert—

““referral” means where a sheriff, in relevant proceedings, makes a referral to the Principal Reporter under section 62(2) of the 2011 Act”;

(d) after the definition of “Registrar General” insert—

““relevant person” means—

(a) a person referred to in section 200(1) of the 2011 Act or

(b) a person deemed a relevant person by virtue of section 81(3) or 160(4)(b) of the 2011 Act;

“relevant proceedings” means those proceedings referred to in section 62(5)(k) and (l) of the 2011 Act;

“section 62 statement” has the meaning given in section 62(4) of the 2011 Act.”.

(3) For rule 3 (intimation to Principal Reporter) substitute—

“Referrals to Principal Reporter

3.—(1) Where a referral is made, there shall be attached to the interlocutor a section 62 statement, which shall be intimated forthwith by the sheriff clerk to the Principal Reporter.

(2) Where a referral is made and the Principal Reporter considers that it is necessary for a compulsory supervision order to be made in respect of the child and arranges a children’s hearing under section 69(2) of the 2011 Act, the Principal Reporter shall intimate to the court which issued the section 62 statement the matters referred to in paragraph (3).

(3) The matters referred to in paragraph (2) are—

(a) the decision to arrange such a hearing;

- (b) where no appeal is made against the decision of that children’s hearing prior to the period for appeal expiring, the outcome of the children’s hearing; and
 - (c) where such an appeal has been made, that an appeal has been made and, once determined, the outcome of that appeal.
- (4) Where a referral has been made and the Principal Reporter determines that—
- (a) none of the section 67 grounds apply in relation to the child; or
 - (b) it is not necessary for a compulsory supervision order to be made in respect of the child
- the Principal Reporter shall intimate that decision to the court which issued the section 62 statement.”.
- (4) For rule 8(4)(s) (application for adoption order) substitute—
- “(s) whether the child is subject to a compulsory supervision order and, if so, what steps have been taken to comply with sections 131 and 141 of the 2011 Act;”.
- (5) In rule 12(3)(k) (duties of reporting officer and curator *ad litem*) for “supervision requirement under section 70 of the 1995 Act” substitute “compulsory supervision order”.
- (6) For rule 29(4)(o) (Convention adoption orders: process and form of application) substitute—
- “(o) whether the child is subject to a compulsory supervision order and, if so, what steps have been taken to comply with sections 131 and 141 of the 2011 Act;”.
- (7) In each of the following rules for “supervision requirement under section 70 of the 1995 Act” substitute “compulsory supervision order”—
- (a) rule 31(2)(b)(xv);
 - (b) rule 40(2)(g);
 - (c) rule 41(2)(c)(iv);
 - (d) rule 42(2)(g);
 - (e) rule 44(3)(e).
- (8) In rule 39(1)(b) (final procedure) for “revocation of supervision requirement” substitute “revocation of compulsory supervision order”.
- (9) In rule 50 (intimation to Principal Reporter) for “supervision requirement under the 1995 Act” substitute “compulsory supervision order”.
- (10) In rule 51(1)(b)(ii) and 51(8)(c) omit in each case “within the meaning given by section 93(2) of the 1995 Act”.
- (11) In the Appendix—
- (a) in each of the following Forms for “supervision requirement under section 70 of the Children (Scotland) Act 1995” substitute in each case “compulsory supervision order”—
 - (i) Form 11;
 - (ii) Form 16;
 - (iii) Form 17;
 - (iv) Form 20.
 - (b) in Form 25 for “supervision requirement in respect of the child may not be made, or modified under paragraph (c) or (d) of section 73(9) of the Children (Scotland) Act 1995” substitute “compulsory supervision order may not be made or varied (other than by interim variation, as defined in section 140 of the Children’s Hearings (Scotland) Act 2011, in respect of the child”.