
STATUTORY INSTRUMENTS

1997 No. 291

Act of Sederunt (Child Care and Maintenance Rules) 1997

CHAPTER 3

CHILDREN (SCOTLAND) ACT 1995

PART II

GENERAL RULES

MISCELLANEOUS

Expenses

3.19 No expenses shall be awarded in any proceedings to which this Chapter applies.

Record of proceedings

3.20 Proceedings under this Chapter shall be conducted summarily.

Representation

3.21.—(1) In any proceedings any party may be represented by an advocate or a solicitor or, subject to paragraphs (2) and (3), other representative authorised by the party.

(2) Such other representative must throughout the proceedings satisfy the sheriff that he is a suitable person to represent the party and that he is authorised to do so.

(3) Such other representative may in representing a party do all such things for the preparation and conduct of the proceedings as may be done by an individual on his own behalf.

Applications for evidence of children by television link

3.22.—(1) This rule and rule 3.23 shall apply to any proceedings in the sheriff court under Part II of the Act.

(2) An application to the court for the giving of evidence by a child by means of a live television link shall be made in Form 44.

(3) An application referred to in paragraph (2) shall be lodged with the sheriff clerk not later than 14 days before the hearing at which the child is to give evidence (except on special cause shown).

(4) The sheriff shall—

(a) order intimation of the application to be made to the other party or parties to the proceedings; and

(b) hear the application on the earliest practicable date.

Orders and transfer of cases

3.23.—(1) The sheriff who hears an application under rule 3.22 shall, after hearing the parties and allowing such further procedure as the sheriff thinks fit, make an order granting or refusing the application.

(2) Where the sheriff grants the application, he may—

(a) transfer the case to be heard in whole; or

(b) hear the case himself or such part of it as he shall determine,

in another sheriff court in the same sheriffdom.

Exclusion of certain enactments

3.24 The enactments specified in column (1) of Schedule 3 to this Act of Sederunt (being enactments relating to matters with respect to which this Chapter is made) shall not, to the extent specified in column (3) of that Schedule, apply to an application or appeal.