
STATUTORY INSTRUMENTS

1997 No. 291

Act of Sederunt (Child Care and Maintenance Rules) 1997

CHAPTER 2

ADOPTION OF CHILDREN

PART IV

ADOPTION ORDERS

Hearing

2.28.—(1) On receipt of the reports of the reporting officer and the curator *ad litem* in respect of a child who is not free for adoption, the sheriff shall fix a diet of hearing.

(2) On receipt of the report of the curator *ad litem* in respect of a child who is free for adoption, the sheriff may fix a diet of hearing.

(3) The petitioner shall intimate in Form 7 the diet of hearing referred to in paragraphs (1) and (2) to—

- (a) in a petition for an adoption order, every person who can be found and whose agreement or consent to the making of such an order is required to be given or dispensed with; or
- (b) in a petition for an order under section 49(1) of the Act, every person who can be found and whose agreement to the making of such an order would be required if the application were for an adoption order.

(4) The sheriff may, if he considers it appropriate, ordain the petitioner to serve notice of the date of the hearing in Form 7 on—

- (a) any person or body having the rights and powers of a parent of the child or having the custody or care of the child or a local authority having the child committed to its care by virtue of sections 11, 54 or 86 of the 1995 Act or sections 5, 8 or 31 of the Children Act 1989⁽¹⁾;
- (b) any person liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (c) the local authority to whom the petitioner has given notice of his intention to apply for an adoption order;
- (d) any other person or body who in the opinion of the sheriff ought to be served with notice of the hearing.

(5) Subject to paragraph (7), if no person entitled to appear at such a hearing appears to be heard, the sheriff may grant an adoption order on the motion of the petitioner.

(6) Subject to paragraph (7), if a person entitled to appear appears and wishes to be heard, the sheriff may hear him or may order a further diet to be fixed at which he may be heard and evidence given at such a diet shall be given in the presence of the petitioner or his solicitor.

⁽¹⁾ 1989 c. 41; section 31 was amended by the Children (Scotland) Act 1995, Schedule 4, paragraph 48(2).

Status: This is the original version (as it was originally made).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

(7) Before making an order, the sheriff shall consider any report received by him in terms of section 73(14) of the 1995 Act.