



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 18

#### MISCELLANEOUS

##### *Proceedings before sheriff under Act*

#### **185 Amendment of section 32 of Sheriff Courts (Scotland) Act 1971**

- (1) Section 32 of the Sheriff Courts (Scotland) Act 1971 (c.58) (power of Court of Session to regulate civil procedure in sheriff court) is amended as follows.
- (2) In subsection (1)—
  - (a) after paragraph (eb) insert—
    - “(ec) enabling a witness (including a witness who is outwith Scotland) in proceedings under Part 10 or 15 of the Children's Hearings (Scotland) Act 2011 to give evidence by a means specified in the act of sederunt that does not require the witness to be physically present in court in such circumstances, and subject to such conditions, as may be specified in the act of sederunt,
    - (ed) prescribing circumstances in which a party to proceedings under Part 10 or 15 of the Children's Hearings (Scotland) Act 2011 may be prohibited from personally conducting the examination of witnesses,”
  - (b) after paragraph (i) insert—
    - “(ia) permitting a party to proceedings under the Children's Hearings (Scotland) Act 2011 to be represented (including through the making of oral submissions to the sheriff on the party's behalf), in such circumstances as may be specified in the act of sederunt, by a person who is neither an advocate nor a solicitor,” and
  - (c) after paragraph (k) insert—

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*Status: This is the original version (as it was originally enacted).*

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- “(ka) prescribing functions of safeguarders appointed by the sheriff in relation to proceedings under Part 10 or 15 of the Children’s Hearings (Scotland) Act 2011,
- (kb) prescribing rights of safeguarders appointed by the sheriff in relation to proceedings under Part 10 or 15 of the Children’s Hearings (Scotland) Act 2011 to information relating to the proceedings,”.

(3) After subsection (4) add—

- “(5) In subsection (1), “civil proceedings” includes proceedings under the Children’s Hearings (Scotland) Act 2011.”.