



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 5

CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

Variation or termination of order by sheriff

51 Determination by sheriff

- (1) This section applies where an application is made under section 48 in relation to a child protection order.
- (2) The sheriff must, before determining the application, give the following persons an opportunity to make representations—
 - (a) the applicant,
 - (b) the child in respect of whom the child protection order is made,
 - (c) each relevant person in relation to the child,
 - (d) any person not falling within paragraph (c) who the sheriff considers to have (or to recently have had) a significant involvement in the upbringing of the child,
 - (e) the applicant for the child protection order,
 - (f) the relevant local authority for the child (if the authority did not apply for the child protection order),
 - (g) the Principal Reporter.
- (3) The application must be determined [^{F1}as soon as reasonably practicable and in any event] within 3 working days after the day on which it is made.
- (4) [^{F2}The child protection order ceases to have effect at the end of that period if the application is not determined within that period.]
- (5) The sheriff may—
 - (a) terminate the child protection order if the sheriff is not satisfied of—
 - (i) where the order was made under section 38, the matters mentioned in subsection (2)(a) to (d) of that section, or

Status: Point in time view as at 07/04/2020. This version of this provision has been superseded.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 51 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) where the order was made under section 39, the matters mentioned in subsection (2)(a) and (b) of that section,
 - (b) vary the child protection order (including by terminating, varying or including an information non-disclosure direction, a contact direction or a parental responsibilities and rights direction), or
 - (c) confirm the child protection order.
- (6) If the sheriff orders that the child protection order is to be terminated, the order ceases to have effect at the end of the hearing before the sheriff.

Textual Amendments

- F1** Words in s. 51(3) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), **sch. 3 para. 2(5)(a)** (with ss. 11-13, [sch. 3 para. 2\(7\)](#)) (which affecting provision expires (30.9.2021 at the end of the day) by virtue of [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), ss. 2(1)(3), 11(2) (with [sch. para. 1](#)))
- F2** S. 51(4) repealed (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), **sch. 3 para. 2(5)(b)** (with ss. 11-13, [sch. 3 para. 2\(7\)](#)) (which affecting provision expires (30.9.2021 at the end of the day) by virtue of [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), ss. 2(1)(3), 11(2) (with [sch. para. 1](#)))

Commencement Information

- I1** S. 51 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

Status:

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