
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 5

**Act of Sederunt (Sheriff Court
Adoption Rules Amendment) 2015**

Amendment of the Sheriff Court Adoption Rules

2.—(1) The Sheriff Court Adoption Rules 2009 in the Schedule to the Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland) Act 2007) 2009(1) are amended as follows.

(2) In rule 47 (confidentiality), at the end of paragraph (3) insert “and rule 51”.

(3) In rule 51 (report of children’s hearing)—

(a) for paragraph (1) substitute—

“(1) This rule applies where the sheriff is given a report from a children’s hearing under section 95(2) of the 2007 Act.

(1A) The sheriff clerk shall lodge in the process of the application—

(a) the report, and

(b) where paragraph (1C) applies, the documents referred to in that paragraph.

(1B) Subject to paragraph (1D), the sheriff clerk shall send a copy of the report together with a notice in Form 23 to—

(a) the parties to the application;

(b) any relevant person in relation to the child; and

(c) such other person as the sheriff considers appropriate.

(1C) This paragraph, and paragraphs (1D) and (1E) apply where, pursuant to rule 77(7) of the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013(2), the sheriff is given, in addition to the report referred to in paragraph (1)—

(a) a redacted report, and

(b) details of the children’s hearing’s determination of a non-disclosure request.

(1D) The sheriff shall, having regard to the details referred to in paragraph (1C)(b), determine in respect of each person referred to in paragraph (1B) whether that person is to be sent a copy of the redacted report in place of a copy of the report, and paragraph (1B) shall apply accordingly.

(1E) Unless the sheriff otherwise directs, the report lodged in the process shall not be available to any person to whom a copy of the redacted report has been sent pursuant to paragraph (1D).”.

(b) in paragraph (2), for “(1)(b)” substitute “(1B)”.

(1) S.S.I. 2009/284, as amended by S.S.I. 2012/271, S.S.I. 2013/139, S.S.I. 2013/172 and S.S.I. 2014/302.

(2) S.S.I. 2013/194. Rule 77(7) is prospectively inserted (with effect from 26th January 2015) by the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Amendment Rules 2015, rule 7(2).

Status: This is the original version (as it was originally made).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