

SCHEDULE

AMENDMENT TO ORDINARY CAUSE RULES 1993

10. For rules 33.19 and 33.20, substitute the following rules:–

“Procedure in respect of children

33.19. –

(1) In a family action, in relation to any matter affecting a child, where that child has–

- (a) returned to the sheriff clerk Form F9, or
- (b) otherwise indicated to the court a wish to express views on a matter affecting him,

the sheriff shall not grant any order unless an opportunity has been given for the views of that child to be obtained or heard.

(2) Where a child has indicated his wish to express his views, the sheriff shall order such steps to be taken as he considers appropriate to ascertain the views of that child.

(3) The sheriff shall not grant an order in a family action, in relation to any matter affecting a child who has indicated his wish to express his views, unless due weight has been given by the sheriff to the views expressed by that child, having due regard to his age and maturity.

Recording of views of the child

33.20.—(1) This rule applies where a child expresses a view on a matter affecting him whether expressed personally to the sheriff or to a person appointed by the sheriff for that purpose or provided by the child in writing.

(2) The sheriff, or the person appointed by the sheriff, shall record the views of the child in writing; and the sheriff may direct that such views, and any written views, given by a child shall–

- (a) be sealed in an envelope marked “Views of the child–confidential”;
- (b) be kept in the court process without being recorded in the inventory of process;
- (c) be available to a sheriff only;
- (d) not be opened by any person other than a sheriff; and
- (e) not form a borrowable part of the process.”.