
STATUTORY INSTRUMENTS

1997 No. 291

Act of Sederunt (Child Care and Maintenance Rules) 1997

CHAPTER 3

CHILDREN (SCOTLAND) ACT 1995

PART V

EXCLUSION ORDERS

Interpretation

3.34 In this Part, “application” means, except in rule 3.40, an application by a local authority for an exclusion order in terms of sections 76 to 80 of the Act; and “ancillary order” and “interim order” shall be construed accordingly.

Form of application

3.35 An application shall be made in Form 54.

Hearing following interim order

3.36 Where an interim order is granted under subsection (4) of section 76 of the Act, the hearing under subsection (5) of that section shall take place not later than 3 working days after the granting of the interim order.

Orders

3.37.—(1) After hearing parties and allowing such further procedure as he thinks fit, the sheriff shall make an order granting or refusing the application.

(2) Where the sheriff grants an order in terms of paragraph (1), it shall be in Form 55 and shall be served forthwith by the local authority on—

- (a) the named person;
- (b) the appropriate person;
- (c) the relevant child; and
- (d) the Principal Reporter.

Certificates of delivery of documents to chief constable

3.38.—(1) After the local authority have complied with section 78(4) of the Act, they shall forthwith lodge in process a certificate of delivery in Form 56.

(2) After a person has complied with section 78(5) of the Act, he shall lodge in process a certificate of delivery in Form 56.

Power to make child protection order in an application for an exclusion order

3.39 Where the sheriff, in terms of 76(8) of the Act, has decided to make a child protection order pursuant to an application, rules 3.31 to 3.33 shall apply.

Variation or recall of an exclusion order

3.40.—(1) Any application for the variation or recall of an exclusion order and any warrant, interdict, order or direction granted or made under section 77 of the Act shall be in Form 57.

(2) After hearing parties and allowing such further procedure as he thinks fit, the sheriff shall make an order granting or refusing the application.

(3) Where an order is made granting the application for variation, that order shall be in Form 58.

(4) Intimation of the granting or refusing of an application shall be given by the applicant to such persons as the sheriff shall direct.