
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 271

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 3) 2012**

Lodging audio or audio-visual recordings of children

4.—(1) The Act of Sederunt (Child Care and Maintenance Rules) 1997⁽¹⁾ is amended in accordance with the following subparagraphs.

(2) In Chapter 1 after rule 1.5 (vulnerable witnesses)⁽²⁾ insert—

“Lodging audio or audio-visual recordings of children

1.6.—(1) In this rule “child” is a person under the age of 16 on the date of commencement of the proceedings and “children” shall be construed accordingly.

(2) Except where the sheriff otherwise directs, where a party seeks to lodge an audio or audio-visual recording of a child as a production in an application under this Act of Sederunt, this shall be done in accordance with and regulated by Chapter 50 of the Ordinary Cause Rules.

(3) A party who has lodged a recording of a child shall—

- (a) within 28 days after the final determination of the application, where no subsequent appeal has been marked, or
- (b) within 28 days after the disposal of any appeal marked on the final determination of the application,

uplift the recording from process.

(4) Where a recording has not been uplifted as required by paragraph (3), the sheriff clerk shall intimate to—

- (a) the solicitor who lodged the recording, or
- (b) where no solicitor is acting, the party or such other party as seems appropriate,

that if he or she fails to uplift the recording within 28 days after the date of such intimation, it will be disposed of in such a manner as the sheriff directs.”

(3) In Schedule 3 (exclusion of enactments), in column 3 (extent of exclusion) after “Chapter 45 (Vulnerable Witnesses (Scotland) Act 2004)” insert “and Chapter 50 (lodging recordings of children)”.

(1) S.I. 1997/291. Amended by S.I. 1998/2130; and by S.S.I. 2000/388; 2002/560; 2003/44, 2005/190; 2006/75 and 411; 2007/468; 2009/29, 284 and 449; 2010/137 and 279; 2011/386; and 2012/188.

(2) Rule 1.5 was inserted by S.S.I. 2007/468.