

1971 No. 92 (S.7)

SHERIFF COURT, SCOTLAND

**Act of Sederunt (Social Work) (Sheriff Court Procedure Rules)
1971**

Made - - - - - 15th January 1971

Coming into Operation 15th February 1971

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PART I

EXCLUSION OF CERTAIN ENACTMENTS

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MODIFICATION AND AMENDMENT OF CERTAIN ENACTMENTS

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 34 of the Administration of Justice (Scotland) Act 1933(a), and of all other powers enabling them in that behalf, do by this Act of Sederunt enact and declare the following Rules:—

PART I

GENERAL

Citation and commencement

1. These Rules may be cited as the Act of Sederunt (Social Work) (Sheriff Court Procedure Rules) 1971 and shall come into operation on 15th February 1971.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

“the Act” means the Social Work (Scotland) Act 1968(a);

“appeal” means an appeal under section 49 of the Act;

“application” means an application under section 42 of the Act;

“child” has the meaning assigned to that term by section 30(1) of the Act;

“parent” has the meaning assigned to that term by section 94(1) as read with section 30(2), of the Act;

“reporter” includes deputy reporter;

“sheriff clerk” includes sheriff clerk depute.

(2) Unless the context otherwise requires, words and expressions used in these Rules and in Part III of the Act shall have the same meanings in these Rules as they have in the said Part III.

(3) In these Rules any reference, however expressed, to disputed grounds of referral shall be construed as a reference to grounds of referral which form the subject of an application under subsection (2)(c) or subsection (7) of section 42 of the Act.

(4) In these Rules any reference to any enactment shall be construed as a reference to that enactment as amended or extended, and as including a reference thereto as applied, by or under any other enactment.

(5) The Interpretation Act 1889(b), shall apply for the interpretation of these Rules as it applies for the interpretation of an act of Parliament.

Schedule of Forms

3. The Forms in Schedule 1 to these Rules, or forms to the like effect, shall be used with such variations as circumstances may require and any reference to these Rules to a numbered Form shall, unless the context otherwise requires, be construed as a reference to the Form bearing that number set out in that Schedule.

PART II**PROCEDURE IN APPLICATION UNDER SECTION 42 OF THE ACT***Procedure prior to hearing before sheriff**Lodging of application, etc.*

4.—(1) Within a period of seven days beginning with the date on which the reporter was directed to make the application, the reporter shall lodge it with the sheriff clerk.

(2) An application by the reporter to the sheriff shall be made in the form as nearly as may be of Form 1.

Form of warrant for diet in applications

5. As soon as practicable after the lodging of the application, the sheriff clerk shall assign a diet for the hearing of the application and shall issue a warrant in the form as nearly as may be of Form 2.

Citation of child and intimation to parent in applications

6.—(1) After the issue of the first warrant, the reporter shall forthwith cite the child by serving on him a copy of the application and the warrant, together with a citation in the form as nearly as may be of Form 3.

(2) At the same time or as soon as possible thereafter, the reporter shall intimate the hearing of the application to any parent whose whereabouts are known to him by serving on him copies of the said application and warrant together with a citation in the form as nearly as may be of Form 4.

(3) An execution of citation or of intimation under this Rule shall be made in the form as nearly as may be of Form 5.

*Provisions applicable to all stages prior to determination of application**Abandonment of application*

7. At any stage of the proceedings before the application is determined the reporter may abandon the application, either in whole or insofar as it relates to any ground of referral in dispute, by lodging a minute to that effect or by motion at the hearing and by intimating the abandonment to the child and his parent and in that event the sheriff shall dismiss the application and discharge the referral in whole or, as the case may be, in respect of that ground.

*Conduct of hearing**Hearing of evidence*

8.—(1) In the case of any condition mentioned in section 32(2) of the Act, the sheriff shall, in relation to the grounds of referral which are in dispute, hear evidence tendered by or on behalf of the reporter.

(2) At the close of the case for the reporter the sheriff shall, unless he considers that a *prima facie* case has not been made out, tell the child and his parent or representative that they may give evidence or make a statement and call witnesses.

(3) Where the nature of the case or the evidence to be given is such that in the opinion of the sheriff it is in the interests of the child that the evidence should not be given in his presence, the sheriff may hear any such evidence in the absence of the child and in that event the parent or representative of the child shall be permitted to remain in court during the absence of the child.

(4) The sheriff may exclude the parent while the child is giving evidence or making a statement if the sheriff is satisfied that in the special circumstances it is proper so to do:

Provided that the sheriff shall inform the parent of the substance of any allegation made by the child and shall give the parent an opportunity of meeting the allegation by leading evidence or otherwise.

Adjournment for enquiry etc.

9. Subject to the provisions of section 42(4) of the Act (applications to be heard within twenty-eight days of lodging), in order to allow time for further inquiry into any case or for any other necessary cause, the sheriff on the motion of any party or on his own motion may continue the case for such reasonable time as he may in the circumstances consider necessary.

*Miscellaneous**Power of sheriff in making findings as to offences*

10. Where the grounds of referral are alleged to constitute an offence or offences or any attempt thereat the sheriff may find on the facts that any offence established by the facts has been committed.

Decision of sheriff

11. The sheriff shall give his decision orally at the conclusion of the Hearing, and a copy of the interlocutor embodying his decision shall be transmitted by the sheriff clerk to the child and his parents and, with any productions lodged, to the reporter.

PART III

PROCEDURE IN APPEALS UNDER SECTION 49 OF THE ACT

Form etc. of appeals under section 49 of the Act

12.—(1) An appeal to the sheriff under section 49 of the Act shall be made in the form as nearly as may be of Form 6A, 6B or 6C whichever is appropriate.

(2) The appeal shall be signed by the child or his parent.

(3) The reporter may lodge answers to the appeal and in that event shall serve a copy thereof on the child or his parent.

(4) The sheriff clerk shall endorse on the appeal and on any answers thereto the date on which they were lodged.

Warrant for first diet in appeals: intimation to reporter

13. As soon as practicable after the lodging of the appeal, the sheriff clerk shall—

- (a) assign a diet for the hearing of the appeal;
- (b) issue a warrant in the form as nearly as may be of Form 7; and
- (c) send the reporter a copy of the appeal and that warrant.

Procedure at hearing of appeal

14.—(1) Before proceeding in accordance with section 49(3) of the Act to examine the reporter and the authors or compilers of any reports or statements, the sheriff shall hear the appellant or his representative.

(2) Where a ground of appeal is an alleged irregularity in the conduct of a case, the sheriff shall, except insofar as the facts stated in the appeal may be admitted by the reporter, hear evidence as to the irregularity tendered by or on behalf of the appellant and any evidence of the reporter relating to it and of any witnesses called by the parties.

(3) Where the nature of the appeal is such that in the opinion of the sheriff the child should not be present during the examination of an author or compiler of any report or at any other stage of the proceedings, the Sheriff may exclude the child from the court during that stage; and in that event his parent and any representative of the child shall be permitted to remain in court during the absence of the child.

(4) Paragraph (4) of Rule 8 above shall apply with any necessary modifications to the hearing of an appeal as it applies to the hearing of evidence in an application.

Adjournments in appeals

15.—(1) Subject to paragraph (2) below, the sheriff in order to allow time for the lodging of any further report which he may have called for under section 49(3) of the Act or for any other necessary cause, may on the motion of either party or on his own motion adjourn the hearing of the appeal for such reasonable time as may in the circumstances be necessary.

(2) If the child or his parent or a representative desires to lead evidence with regard to information disclosed to them in the course of an appeal, the sheriff may adjourn the diet to enable further evidence to be produced.

(3) The adjournment shall be made in the form as nearly as may be of Form 8.

Form and transmission of sheriff's decision in appeals

16.—(1) The sheriff shall give his decision orally either at the conclusion of the appeal or on such day as he shall appoint and where he has decided under section 49(5)(b) of the Act to remit the case to the children's hearing for re-consideration of their decision, he shall also issue a note of the reasons for his decision.

(2) The interlocutor containing the decision of the sheriff shall be in the form as nearly as may be of Form 9A, 9B or 9C whichever is appropriate.

(3) The sheriff clerk shall transmit a copy of the said interlocutor together with the said note to the reporter and to the appellant, and shall also return to the reporter any documents lodged by virtue of section 49(2) or (3) of the Act.

PART IV

CITATION AND INTIMATION IN PROCEEDINGS
UNDER SECTIONS 42 AND 49 OF THE ACT

Period of notice in giving citation or intimation

17. Citation or intimation authorised or required by these Rules shall be made not later than forty-eight hours, or in the case of postal citation seventy-two hours, before the date of the diet to which the citation or intimation relates: Provided that this Rule shall not apply to the intimation of an appeal against a decision to issue a warrant for the detention of a child.

Warrants and form of citation of witnesses and havers

18.—(1) The following shall be warrants for citation of witnesses and havers, namely:—

- (a) the warrant for the first diet in an application;
- (b) a warrant fixing a diet for the continued hearing of an application;
- (c) any interlocutor certified by the sheriff clerk allowing a proof or for examination of witnesses in an appeal under section 49 of the Act concerned with an irregularity.

(2) In an application or an appeal under section 49 of the Act, witnesses or havers may be cited in the form as nearly as may be of Form 10.

(3) The execution of citation of witnesses and havers shall be in the form as nearly as may be of Form 11.

Modes of citation and intimation

19.—(1) Where a warrant in that behalf has been issued under these Rules, it shall be competent—

(a) to cite a child to any diet in an application or an appeal under section 49 of the Act;

(b) to cite witnesses to any diet in such an application or in an appeal under the said section 49 concerned with an irregularity in the conduct of a case;

(c) to give intimation to a parent to any diet in an application, by any mode specified in paragraph (2) below.

(2) It shall be deemed a legal citation of, or intimation to, a person mentioned in paragraph (1) above if the citation or, as the case may be, the intimation is—

(a) delivered to him personally; or

(b) left for him at his dwellinghouse or place of business with some person resident or employed therein; or

(c) where it cannot be delivered to him personally and he has no known dwellinghouse or place of business, left for him at any other place at which he may at the time be resident; or

(d) where he is the master of, or a seaman or person employed in, a vessel, left with a person on board thereof or connected therewith; or

(e) sent by post in a registered or recorded delivery letter, to his dwellinghouse or place of business, or if he has no known dwellinghouse or place of business to any other place in which he may at the time be resident:

Provided that in an application a copy of the application and warrant required to be sent under Rule 6 above shall be sent along with the citation to the child and, along with the intimation (if any) to the parent.

Persons who may execute citation and intimation under these Rules

20.—(1) Citation of witnesses on behalf of a child or parent shall be effected either—

(a) by a sheriff officer of the jurisdiction in which the warrant was issued or, in the case of any mode of citation and intimation specified in paragraphs

(a) to (d) of Rule 19(2) above, the jurisdiction in which the warrant is executed; or

(b) in the case of postal citation, by a solicitor.

(2) The Sheriff clerk shall cite the reporter and the authors or compilers of any reports or statements whom the sheriff may wish to examine under section 49(2) of the Act.

Production of executions of citation and intimation

21.—(1) The production before the sheriff of—

- (a) an execution of citation or intimation duly completed in the appropriate form prescribed by these Rules; and
- (b) additionally, in the case of postal citation, the post office receipt of the registered or recorded delivery letter, shall be sufficient evidence that such citation or intimation, as the case may be, was duly given.

(2) It shall not be necessary to lodge with the sheriff clerk any execution of citation or intimation before a diet for the hearing of an application or appeal.

Endorsation of warrants of citation unnecessary

22. Any warrant of citation, intimation, or service under these Rules may be executed within the jurisdiction of any sheriff without endorsation by the sheriff clerk of that jurisdiction.

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Signature of warrants

23. Warrants, other than warrants under section 42(3) of the Act, may be signed by the sheriff clerk but any warrant may, and a warrant under the said section 42(3) shall, be signed by the sheriff.

Expenses not exigible

24. No expenses shall be awarded in any proceedings to which these Rules apply.

Form of warrant under section 42(3) of the Act

25. A warrant for the apprehension and detention of a child under section 42(3) of the Act shall be in the form as nearly as may be of Form 12.

Record of proceedings

26. Proceedings under sections 42 and 49 of the Act shall be conducted summarily.

Exclusion, modification and amendment of certain enactments: Schedule 2

27.—(1) The enactments specified in column (1) of Part I of Schedule 2 to these Rules (being enactments relating to matters with respect to which these Rules are made) shall not, to the extent specified in column (3) of that Part, apply in relation to proceedings in the sheriff court under section 42 or section 49 of the Act.

(2) The provisions of the enactments specified in column (1) of Part II of the said Schedule 2 (being enactments which are specified in column (1) of Part I of that Schedule but which are not excluded from proceedings in the sheriff court under section 42 or section 49 of the Act by virtue of column (3) of that Part) shall have effect in relation to those proceedings subject to the amendments and modifications specified in relation thereto in column (3) of the said Part II.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
15th January 1971.

SCHEDULE 1

Rule 3

Number of Form	ARRANGEMENT OF FORMS	Number of Rule
1	Form of application to sheriff under section 42 of the Act ...	4(2)
2	Form of warrant for diet in application under section 42 of the Act	5
3	Form of schedule of citation of child in application under section 42 of the Act	6(1)
4	Form of intimation to parent in application under section 42 of the Act	6(2)
5	Form of execution of citation of child and intimation to parent ...	6(3)
6A, 6B, 6C	Forms of appeals to sheriff under section 49 of the Act	12(1)
7	Form of warrant (assignment of first diet and warrant of intimation) in appeal under section 49 of the Act	13
8	Form of interlocutor continuing hearing of appeal	15(3)
9A, 9B, 9C	Forms of interlocutors containing decisions of sheriff in appeals under section 49 of the Act	16(2)
10	Form of schedule of citation of witness or haver	18(2)
11	Form of execution of citation of witnesses and havers	18(3)
12	Form of warrant for apprehension and detention of child under section 42(3) of the Act	25

FORM 1

Rule 4(2)

FORM OF APPLICATION TO SHERIFF UNDER SECTION 42 OF THE ACT

Sheriff Court at ()

Application
under
Section [42(2)(c)] [42(7)] of the
Social Work (Scotland) Act 1968
by
XY (address), Reporter of (local
authority)
in the case of
AB (address)

1. On (date) a children's hearing for (local authority area) gave a direction to the reporter of (local authority) under section [42(2)(c)] [42(7)] of the Social Work (Scotland) 1968 in respect of AB.

2. A copy of the statement by the reporter of the grounds for the referral of the case of the said AB to the children's hearing is appended hereto.

3. The said [AB or BB (address) the [father] [mother] [guardian] of the said AB] did not accept the grounds of referral so far as relating to conditions to of the statement appended hereto.

OR

The children's hearing were satisfied that the said AB did not understand the explanation of the grounds of referral given under section 42(1) of the said statement of grounds of referral. The reporter therefore craves the court to find whether or not the grounds of referral not accepted by the child or his parent (or not understood by the child) are established.

.....
[Reporter]

Rule 5

FORM 2

FORM OF WARRANT FOR DIET IN APPLICATION UNDER SECTION 42 OF THE ACT

(Place and date) The Court assigns

(date) at (hour) within the (name Court) in chambers at (place) for the hearing of the application;

appoints the reporter forthwith to cite (name of child), and to intimate to his/her [parents] [guardian] whose whereabouts are known, by serving a copy of the application and relative statement of grounds of referral; and grants warrant to cite witnesses and havers.

.....
Sheriff Clerk (depute)

Rule 6(1)

FORM 3

FORM OF SCHEDULE OF CITATION OF CHILD IN APPLICATION UNDER SECTION 42 OF THE ACT.

Under the Social Work (Scotland) Act 1968

(Place, date)

You are hereby served with the foregoing application and warrant. You are required to attend the hearing by the sheriff of the application [within (name Court) at (street address) on (date) at (hour)] or [at the time and place specified in the warrant].

.....

NOTES

1. If you fail to attend the hearing by the court of the application you may be detained in a place of safety to ensure your attendance at a subsequent hearing.

2. You may ask witnesses to attend the hearing or arrange for their citation by a solicitor or sheriff officer.

FORM 4

Rule 6(2)

FORM OF INVITATION TO PARENT IN APPLICATION UNDER SECTION 42 OF THE ACT

Under the Social Work (Scotland) Act 1968

(Place, date)

(Name of parent) Take notice that the reporter of (local authority) has lodged an application in the Sheriff Court at () for a finding as to [a ground] [grounds] for the referral of the case of (name of child as in application) to a children's hearing. You are hereby served with a copy of the application and warrant. You may attend the hearing [within the said court at (street address) on (date) at (hour)] or [at the time and place specified in the warrant].

.....
Reporter*
On behalf of Reporter*

NOTE

You may ask witnesses to attend the hearing or arrange for their citation by a solicitor or sheriff officer.

FORM 5

Rule 6(3)

FORM OF EXECUTION OF CITATION OF CHILD AND INTIMATION TO PARENT

I reporter*
on behalf of the reporter* of (local authority)
lawfully cited* (name of child as in citation*
gave intimation to* (parent as in intimation*) by [delivering a copy
of the foregoing application, warrant and citation*
intimation* to him in person at (place) on
(date)].* [leaving a copy of the foregoing application, warrant and citation*
intimation* for him
at his dwellinghouse*
place of business* at (address) on (date)].*
[leaving a copy of the foregoing application, warrant and citation*
intimation* for him on board
(name of vessel) at (place) on (date)].*
[posting on (date) between the hours of () and () at the (place)
Post Office a copy of the foregoing application, warrant and citation*
intimation* to him in a
recorded delivery*
registered* first class service letter and the post office receipt for the said letter
accompanies this certificate].*

.....
*delete as appropriate

Rule 12(1)

FORM 6A

FORM OF APPEAL TO SHERIFF UNDER SECTION 49 OF THE ACT AGAINST DECISION OF CHILDREN'S HEARING

Sheriff Court at ()

Appeal
under
section 49 of the Social Work
(Scotland) Act 1968by
AB (or/and CB, parent of the
said AB) both residing at ()against
a decision of the children's hearing
for (local authority area) at ()

1. On (date) the said AB [along with the said CB, his parent] appeared before the children's hearing of (local authority area) at ().

2. The grounds for the referral of the case stated by the reporter [were accepted by the appellant(s)] [were established to the satisfaction of the sheriff] at (place) on (date). A copy of the statement of the grounds of referral is attached hereto. or [A supervision requirement, made on (date) in respect of the said AB, was under review by the children's hearing. The supervision requirement was to the effect that (state terms of requirement.)]

3. The children's hearing decided that the said AB was in (continuing) need of compulsory measures of care and ordered (state the terms of the decision in the report of the proceedings of the children's hearing).

4. The measures prescribed by the supervision requirement are not appropriate in all the circumstances in respect that (state shortly the reasons for this view) (or if appeal is on a point of law or on grounds of irregularity state briefly that point or the facts which constitute the irregularity).

5. The said AB and/or CB appeals to the sheriff against the said decision.

(signed by appellant(s) or solicitor)

Rule 12(1)

FORM 6B

FORM OF APPEAL TO SHERIFF UNDER SECTION 49 OF THE ACT AGAINST ISSUE OF WARRANT BY CHILDREN'S HEARING

Sheriff Court at ()

Appeal
under
section 49 of the Social Work
(Scotland) Act 1968by
AB (or/and CB, parent of the
said AB) both residing at ()against
a decision by a children's hearing
for (local authority area) at ()
() to issue a warrant
for the detention of the said AB.

1. On (date) the said AB was apprehended and detained at (place) on a warrant issued by the children's hearing at () [under section [] of the Social Work (Scotland) Act 1968].

2. The said warrant is unnecessary because (state reasons).

3. The said AB (or/and CB) appeals to the sheriff to recall the said warrant.

(signed by appellant(s) or solicitor)

FORM 6C

Rule 12(1)

FORM OF APPEAL TO SHERIFF UNDER SECTION 49 OF THE ACT AGAINST ISSUE OF WARRANT BY CHILDREN'S HEARING

Sheriff Court at () Appeal under section 49 of the Social Work (Scotland) act 1968 by AB (or/and CB, parent of the said AB) both residing at () against a decision by a children's hearing for local authority area) at () to issue a warrant for the detention of the said AB.

- 1. On (date) a children's hearing for (local authority area) made a requirement under section 43(4) of the Social Work (Scotland) Act 1968. [A copy of] the said requirement is appended hereto.
2. The said requirement is unnecessary because (state reasons).
3. The said AB (or/and CB) appeals to the sheriff to [state remedy].
(signed by appellant(s) or solicitor).

FORM 7

Rule 13

FORM OF WARRANT (ASSIGNMENT OF FIRST DIET AND WARRANT OF INTIMATION) IN APPEAL UNDER SECTION 49 OF THE ACT

(Place and date) The Court assigns (date) at (hour) within the (name Court) in chambers at (place) for the hearing of the appeal: appoints the appellant(s) forthwith to intimate the appeal and the diet to the reporter.

Sheriff Clerk (Depute)

FORM 8

Rule 15(3)

FORM OF INTERLOCUTOR CONTINUING HEARING OF APPEAL

(Place and date) The Sheriff Substitute, having heard the appellant(s)' (solicitor) and the reporter on the appeal, and having considered the documents produced, adjourns the diet to (date) at (hour) to enable (eg. the parties to enable further reports to be obtained or the parties to lead (further) evidence).

..... Sheriff Clerk

FORMS 9A, 9B AND 9C

Rule 16(2)

FORMS OF INTERLOCUTORS CONTAINING DECISIONS OF SHERIFF IN APPEALS UNDER SECTION 49 OF THE ACT

FORM 9A

DECISION UNDER SECTION 49(4) AND (6)

(Place, date) The Sheriff Substitute, being satisfied that the appeal has failed, confirms the decision of the children's hearing; [where necessary, add, being further satisfied that the appeal is frivolous, orders that no appeal against a decision by a children's hearing, to continue the supervision requirement, made on a subsequent review shall lie until the expiration of a period of twelve months beginning with this date].

(Signed by sheriff)

.....

FORM 9B

DECISION UNDER SECTION 49(5)(a)

(place, date) The Sheriff Substitute, being satisfied that the decision of the children's hearing to issue the warrant is not justified in all the circumstances of the case, allows the appeal and recalls the warrant.

(signed by sheriff)

.....

FORM 9C

DECISION UNDER SECTION 49(5)(b)

(Place, date) The Sheriff Substitute, being satisfied that the decision of the children's hearing is not justified in all the circumstances of the case [for the reasons given in the attached Note, remits the case to the children's hearing for reconsideration of their decision] or [discharges the child from any further hearing or other proceedings in relation to the grounds for the referral of the case.]

(signed by sheriff)

.....

Rule 18(2)

FORM 10

FORM OF SCHEDULE OF CITATION OF WITNESS OR HAVER

Under the Social Work (Scotland) Act 1968

(Place, date, add if necessary hour)

(Name of witness), you are hereby required to attend at the Sheriff Court House at (street address) in chambers on (), the () day of () at o'clock noon, to give evidence in the hearing of [an application by the reporter of (local authority) to the sheriff for a finding as to grounds for the referral of the case of (name of child) to a children's hearing] OR [an appeal to the sheriff against a decision of a children's hearing in a case of (name of child)].

[if necessary, add—You are required to bring with you (specify documents.)]

.....

Sheriff Officer*
Solicitor*

*delete as appropriate

Rule 18(3)

FORM 11

FORM OF EXECUTION OF CITATION OF WITNESSES AND HAVERS

reporter*)
on behalf of reporter*

I, (name of person who executed citation) of (local authority)

sheriff officer*
solicitor*

lawfully cited (name of witness) by—

[delivering a copy of the foregoing citation to him in person at (place) on (date)].*

[leaving a copy of the foregoing citation for him at his dwellinghouse* at (address) on (date)].*

[Leaving a copy of the foregoing citation for him on board (name of vessel) at (place) on (date)].*

[sending a copy of the foregoing citation to him in a recorded delivery* letter and the registered* post office receipt for the said letter accompanies this certificate].*

to be signed by person who
executed the citation)
Sheriff Officer*
Solicitor*

*delete as appropriate

FORM 12

Rule 25

FORM OF WARRANT FOR APPREHENSION AND DETENTION OF CHILD UNDER SECTION 42(3) OF THE ACT

(Place, date) The Sheriff, in respect that AB, a child in respect of whom an application has been made under section 42(3) of the Act, failed to attend at the hearing of the application, grants warrant to officers of law to apprehend the said AB, and to bring him before the sheriff, and to detain him in a place of safety until the sheriff can hear the application, or for a period of seven days or until the sheriff has disposed of the application, whichever first occurs.

.....
(to be signed by the sheriff)

SCHEDULE 2

Rule 27(1)

PART I

(Exclusion of enactments relating to matters with respect to which these Rules are made)

Column (1) Enactment Excluded	Column (2) References	Column (3) Extent and exclusion
The Citation Act 1540	1540 c. 10	The whole Act
The Citation Act 1592	1592 c. 59	The whole Act
The Citation Act 1686	1686 c. 5	The whole Act
The Citation Act 1693	1693 c. 21	The whole Act
The Debtors (Scotland) Act 1838 section 32, (as explained by the Citation (Scotland) Act 1846(a))	1838 c. 114	The words "and that, excepting in the case of poindings, more than one witness shall not be required for service or execution thereof."
The Citation Amendment (Scotland) Act 1882 as amended (b)	1882 c. 77	The whole Act except paragraph (4) of section 4.
The Sheriff Courts (Scotland) Act 1907 section 39 and Schedule 1	1907 c. 51	The whole section; the whole schedule except Rule 73 (second diligence against witness failing to attend).

(a) 1846 c. 67.

(b) 1926 c. 16. s.4; 1933 c. 21 s.49; 1962 c. 27 s.1.

Rule 27(2)

PART II

(Modification and amendment of enactments in their application to proceedings under section 42 or section 49 of the act)

Column (1) Enactment modified or amended	Column (2) References	Column (3) Modifications and Amendments
The Citation Amendment (Scotland) Act 1882 section 4, paragraph (4) (which makes provision for letters containing citations etc. to be returned to the court by the post office and for connected purposes)	1882 c. 77	For the words "such registered letter" there shall be substituted the words "a letter containing a citation or intimation from a sheriff court in proceedings under section 42 or section 49 of the Social Work (Scotland) Act 1968"; [and for the words "in the case of a party" there shall be substituted the words "in the case of a child within the meaning of Part III of the said Act of 1968."]
The Sheriff Courts (Scotland) Act 1907, Schedule 1, Rule 73, (second diligence against witness failing to attend)	1907 c. 51	The word "further" shall be omitted; and for the words "said witness or haver" there shall be substituted the words "or witness or haver cited under the Act of Sederunt (Social Work) (Sheriff Court Procedure Rules 1971".

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt prescribes procedure for applications to the Sheriff under Section 42 of the Social Work (Scotland) Act 1968 and for appeals to the Sheriff under Section 49 of that Act, and makes miscellaneous provision in connection therewith.