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STATUTORY INSTRUMENTS

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**1997 No. 291**

**Act of Sederunt (Child Care and Maintenance Rules) 1997**

**CHAPTER 3**

**CHILDREN (SCOTLAND) ACT 1995**

**PART IV**

**CHILD PROTECTION ORDERS**

**Interpretation**

**3.29** In this Part, “application” means, except in rule 3.33, an application for a child protection order in terms of section 57 of the Act.

**Form of application**

**3.30** An application made by a local authority shall be in Form 47 and an application made by any other person shall be in Form 48.

**Determination of application**

**3.31.**—(1) On receipt of an application, the sheriff, having considered the grounds of the application and the supporting evidence, shall forthwith grant or refuse it.

(2) Where an order is granted, it shall be in Form 49 and it shall contain any directions made under section 58 of the Act.

**Intimation of making of order**

**3.32** Where an order is granted, the applicant shall forthwith serve a copy of the order on—

- (a) the child, along with a notice in Form 50;
- (b) any other person named in the application, along with a notice in Form 51.

**Application to vary or set aside a child protection order**

**3.33.**—(1) An application under section 60(7) of the Act for the variation or setting aside of a child protection order or a direction given under section 58 of the Act or such an order or direction continued (whether with or without variation) under section 59(4) of the Act shall be made in Form 52.

(2) A person applying under section 60(7) of the Act for the variation or setting aside of a child protection order shall require to lodge with his application a copy of that order.

(3) Without prejudice to rule 3.5, any person on whom service is made may appear or be represented at the hearing of the application.

(4) Subject to section 60(11) of the Act, the sheriff, after hearing parties and allowing such further procedure as he thinks fit, shall grant or refuse the application.

(5) Where an order is made granting the application for variation, that order shall be in Form 53.

(6) Where the sheriff so directs, intimation of the granting or refusing of an application shall be given by the applicant to such person as the sheriff shall direct.