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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 172**

**Act of Sederunt (Children's Hearings (Scotland)  
Act 2011) (Miscellaneous Amendments) 2013**

**Amendment of Schedule 1 to the 1997 Act of Sederunt**

**4.—(1)** Schedule 1 (forms) to the 1997 Act of Sederunt is amended in accordance with the following subparagraphs.

- (2) In Form 26 (Notice to child of application for a Child Assessment Order)—
  - (a) for “CASE NUMBER” substitute “Court ref. no.”;
  - (b) for “0800 317 500” substitute “0800 328 8970”;
  - (c) for “9.00am and 5.00pm” substitute “9.30am and 4.00pm”;
  - (d) the title of the Form becomes “Notice to child of application for a Child Assessment Order under section 35 of the Children’s Hearings (Scotland) Act 2011”.
- (3) In Form 27 (Notice to child of application to vary or terminate a child protection order)—
  - (a) for “CASE NUMBER” substitute “Court ref. no.”;
  - (b) for “0800 317 500” substitute “0800 328 8970”;
  - (c) for “9.00am and 5.00pm” substitute “9.30am and 4.00pm”;
  - (d) the title of the Form becomes “Notice to child of application to vary or terminate a Child Protection Order – section 48 of the Children’s Hearings (Scotland) Act 2011”.
- (4) In Form 28 (Notice to child of application for an Exclusion Order)—
  - (a) for “CASE NUMBER” substitute “Court ref. no.”;
  - (b) for “0800 317 500” substitute “0800 328 8970”;
  - (c) for “9.00am and 5.00pm” substitute “9.30am and 4.00pm”.
- (5) In Form 29 (Notice to child of application to vary an Exclusion Order)—
  - (a) for “CASE NUMBER” substitute “Court ref. no.”;
  - (b) for “0800 317 500” substitute “0800 328 8970”;
  - (c) for “9.00am and 5.00pm” substitute “9.30am and 4.00pm”.
- (6) For Form 31 (Citation of child) substitute Forms 31, 31A and 31B set out in the Schedule to this Act of Sederunt.
- (7) In Form 32 (Form of first order)—
  - (a) after the title of the Form insert—

“Court ref. no.”;
  - (b) omit—
    - (i) “SECTION 55 (Application for Child Assessment Order),”;
    - (ii) “SECTION 60 (Application to vary or set aside Child Protection Order),”;
    - (iii) “SECTION 67 (Application for warrant for further detention of child)”;

- (c) in the Note, between “section 76” and “for” insert “of the Children (Scotland) Act 1995”.
- (8) After Form 32 insert Form 32A set out in the Schedule to this Act of Sederunt.
- (9) In Form 33 (Form of warrant to cite child)—
- (a) after the title of the Form insert—  
“Court ref. no.”;
  - (b) at the end of paragraph 1 insert “\*[and fixes a procedural hearing to take place on [insert date] at [insert time] within [name court] in chambers at [place]]”;
  - (c) in paragraph 2—
    - (i) after “insert name of relevant person or persons” insert “(within the meaning of Rule 3.1(1))”;
    - (ii) for “[AB] (name and design) the safeguarder appointed by the sheriff” substitute “[CD] (name and design) the safeguarder \*[and [EF] (name and design) the curator *ad litem*];
  - (d) the title of the Form becomes “Form of warrant to cite child and to give notice/intimate to relevant person(s), curator *ad litem* and safeguarder in applications under section 93(2)(a) or 94(2)(a) of the Children’s Hearings (Scotland) Act 2011”.
- (10) In Form 34 (Notice of application for a Child Assessment Order)—
- (a) for “Case No” substitute “Court ref. no.”;
  - (b) for “under section 55 of the Children (Scotland) Act 1995” substitute “under section 35 of the Children’s Hearings (Scotland) Act 2011”;
  - (c) the title of the Form becomes “Notice of application for a Child Assessment Order to a person named in an application under section 35(1) of the Children’s Hearings (Scotland) Act 2011”.
- (11) In Form 35 (Notice of application to vary or recall a Child Protection Order)—
- (a) for “Case No” substitute “Court ref. no.”;
  - (b) for “recall” substitute “terminate”;
  - (c) for “section 60 of the Children (Scotland) Act 1995” substitute “section 48 of the Children’s Hearings (Scotland) Act 2011”;
  - (d) the title of the Form becomes “Notice of application to vary or terminate a Child Protection Order to person named in application under section 48 of the Children’s Hearings (Scotland) Act 2011”.
- (12) In Form 36 (Notice of application for an exclusion order) for “Case No” substitute “Court ref. no.”.
- (13) In Form 37 (Notice of application to vary or recall an exclusion order) for “Case No” substitute “Court ref. no.”.
- (14) In Form 39 (Notice to relevant persons)—
- (a) after the title of the Form insert—  
“Court ref. no.”;
  - (b) after “of relevant person” insert “(within the meaning of Rule 3.1(1))”;
  - (c) the title of the Form becomes “Notice to relevant person in application under section 93(2)(a) or 94(2)(a) of the Children’s Hearings (Scotland) Act 2011 (no procedural hearing)”.
- (15) After Form 39 insert Form 39A set out in the Schedule to this Act of Sederunt.
- (16) In Form 40 (Notice to safeguarder)—

- (a) after the title of the Form insert—  
“Court ref. no.: ”;
  - (b) after “safeguarder” insert “and/or curator *ad litem*”;
  - (c) after “hearing of” insert “evidence in respect of”;
  - (d) after the line “Time of hearing” insert—  
“\*(In addition, a procedural hearing has been fixed to take place on [*insert date*] at [*insert time*] within [*name court*] in chambers at [*place*])”;
  - (e) for “rules 3.6 - 3.10” substitute “rules 3.6 to 3.9 of the”;
  - (f) at the end of the Form insert—  
“(\**delete as appropriate*)”;
  - (g) the title of the Form becomes “Notice to safeguarder/curator *ad litem* in application under section 93(2)(a) or 94(2)(a) of the Children’s Hearings (Scotland) Act 2011”.
- (17) In Form 41 (Citation of witness or haver)—
- (a) after the title of the Form insert—  
“Court ref. no.: ”;
  - (b) for “finding as to grounds for the referral of the case of [*name of child*] to a children’s hearing]” substitute “determination of whether the section 67 grounds in the case of [*insert name of child*] are established”;
  - (c) the title of the Form becomes “Citation of witness or haver under the Children’s Hearings (Scotland) Act 2011 or the Children (Scotland) Act 1995”.
- (18) In Form 42 (Certificate of execution of citation)—
- (a) the Form is renumbered Form 43 and its position in the Schedule is reordered accordingly;
  - (b) for “Rule 3.14(3)” substitute “Rule 3.17(1)”;
  - (c) after the title of the Form insert—  
“Court ref. no.: ”;
  - (d) omit each reference to “post office” (however the term is expressed);
  - (e) the title of the Form becomes “Certificate of execution of service under the Children’s Hearings (Scotland) Act 2011 or the Children (Scotland) Act 1995”.
- (19) In Form 43 (Certificate of citation of witness or haver)—
- (a) the Form is renumbered Form 42 and its position in the Schedule is reordered accordingly;
  - (b) for “Rule 3.17(1)” substitute “Rule 3.14(3)”;
  - (c) after the title of the Form insert—  
“Court ref. no.: ”;
  - (d) omit each reference to “post office” (however the term is expressed);
  - (e) the title of the Form becomes “Certificate of execution of citation under the Children’s Hearings (Scotland) Act 2011 or the Children (Scotland) Act 1995”.
- (20) For Form 44 substitute Forms 44A and 44B set out in the Schedule to this Act of Sederunt.
- (21) In Form 45 (Application for Child Assessment Order)—
- (a) for “Case No” substitute “Court ref. no.:”;
  - (b) before Part 1 for “section 55 of the Children (Scotland) Act 1995” substitute “section 35 of the Children’s Hearings (Scotland) Act 2011”;
  - (c) in Part 1—

- (i) for “section 93(2)(b) of the Act” substitute “Rule 3.1(1)”;
  - (ii) in the entry for “SAFEGUARDER” omit “appointed by a children’s hearing or court in respect of the child”;
  - (iii) in the entry for “PRINCIPAL REPORTER” omit “name.”;
- (d) in Part 3—
- (i) for “section 55(3)” substitute “section 35(2)”;
  - (ii) for the first paragraph denoted “a.” substitute “The type of assessment is [provide details of the type of assessment that is sought including information on the child’s health or development or the way in which the child has been or is being treated or neglected].”;
  - (iii) at the end of the first paragraph denoted “b.” insert “(which must be no later than 24 hours after the order is granted).”;
  - (iv) at the end of paragraph denoted “c.” insert “(which must not exceed the maximum period of 3 days).”;
  - (v) for “section 55(4) or (5)” substitute “section 35(3)”;
  - (vi) for “section 55(4)” substitute “section 35(3)(b)”;
  - (vii) for “there for [insert number of days] days” substitute “at that place or any other place for [specify period].”;
  - (viii) for “section 55(5) substitute “section 35(3)(c)”;
- (e) the title of the Form becomes “Application for a Child Assessment Order under section 35 of the Children’s Hearings (Scotland) Act 2011”.
- (22) In Form 46 (Child Assessment Order)—
- (a) for “Case No” substitute “Court ref. no.”;
  - (b) for “The assessment is to begin on [insert date] and shall have effect for [insert number of days] from that date.” substitute “This order has effect from [insert time and date (to be no later than 24 hours after the order is granted)] until [insert time and date (not exceeding 3 days from time the order took effect)].”;
  - (c) for “In terms of section 55(4) the sheriff permits the child to be taken to [insert details of the place] for the purpose of the assessment, and authorises the child to be kept there for [insert number of days] days” substitute “In terms of section 35(3)(b) the sheriff permits the child to be taken to [insert details of the place] for the purpose of the assessment, and authorises the child to be kept at that place or any other place for [specify period].”;
  - (d) for “section 55(5)” substitute “section 35(3)(c)”;
  - (e) for the paragraph starting “For the purpose of enforcing this order warrant etc.” substitute—
 

“

For the purpose of enforcing this order, warrant is granted to officers of law for all lawful execution, including—

    - (a) searching for and apprehending the child;
    - (b) taking the child to the authorised place;

”
- (f) in the signing provisions—
- (i) for “Sheriff at” substitute “Sheriff”;
  - (ii) after that line insert—

- “Time.....”;
- (g) the title of the Form becomes “Child Assessment Order under section 35 of the Children’s Hearings (Scotland) Act 2011”.
- (23) In Form 47 (Application for a Child Protection Order by a local authority)—
- (a) for “Case No” substitute “Court ref. no.”;
- (b) for “section 57(2) of the Children (Scotland) Act 1995” substitute “section 37(1) of the Children’s Hearings (Scotland) Act 2011”;
- (c) in Part 1—
- (i) for “section 93(2)(b) of the Act” substitute “Rule 3.1(1)”;
- (ii) in the entry for “SAFEGUARDER” omit “appointed by a children’s hearing or court in respect of the child”;
- (iii) in the entry for “THE PRINCIPAL REPORTER” omit “name,”;
- (d) in Part 2 for “sections 57(1) and (2)” substitute “sections 38(2) and 39(2)”;
- (e) in Part 3—
- (i) omit “\*TERMS AND CONDITIONS TO BE ATTACHED TO ORDER”;
- (ii) for “section 57(4)” substitute “section 37”;
- (iii) after “insert details of the order sought” insert “including details of the specified person (if appropriate)”;
- (iv) for “section 58(4) or (5)” substitute “section 42(1)”;
- (v) for the words “\*ANY OTHER ORDER(S)” to “service of restricted documents on child.]” substitute—
- “
- ANY OTHER AUTHORISATION, REQUIREMENT OR DIRECTION(S) SOUGHT*
- [insert here details and grounds for any other authorisation, requirement or direction sought including—*
- (a) an information non-disclosure direction under section 40;*
- (b) a contact direction under section 41.];*
- ”
- (vi) the heading of Part 3 becomes “DETAILS OF ORDER AND DIRECTION(S) ETC. SOUGHT”;
- (f) in Part 4—
- (i) in the paragraph denoted “a.” for “on the terms and conditions” to the end, substitute “including any authorisation, requirement or direction set out in Part 3 of the application.”;
- (ii) in the subparagraph denoted “b.ii.” after “the” insert “other”;
- (g) the title of the Form becomes “Application for a Child Protection Order by local authority under section 37 of the Children’s Hearings (Scotland) Act 2011”.
- (24) In Form 48 (Application for a Child Protection Order (other than by a local authority))—
- (a) for “Case No” substitute “Court ref. no.”;
- (b) for “section 57(1) of the Children (Scotland) Act 1995” substitute “section 37(1) of the Children’s Hearings (Scotland) Act 2011”;
- (c) in Part 1—
- (i) for “section 93(2)(b) of the Act” substitute “Rule 3.1(1)”;

- (ii) in the entry for “SAFEGUARDER” omit “appointed by a children’s hearing or court in respect of the child”;
- (iii) in the entry for “PRINCIPAL REPORTER” omit “name.”;
- (d) in Part 2 for “section 57(1)” substitute “section 39(2)”;
- (e) in Part 3—
  - (i) omit “\*TERMS AND CONDITIONS TO BE ATTACHED TO ORDER”;
  - (ii) for “section 57(4)” substitute “section 37”;
  - (iii) after “insert details of the order sought” insert “including details of the specified person (if appropriate)”;
  - (iv) for “section 58(4) or (5)” substitute “section 42(1)”;
  - (v) for the words “\*ANY OTHER ORDER(S)” to “service of restricted documents on child.]” substitute—
    - “
    - ANY OTHER AUTHORISATION, REQUIREMENT OR DIRECTION(S) SOUGHT*
    - [insert here details and grounds for any other authorisation, requirement or direction sought including—*
    - (a) an information non-disclosure direction under section 40;*
    - (b) a contact direction under section 41.];*
    - ”
- (f) the heading of Part 3 becomes “DETAILS OF ORDER AND DIRECTION(S) ETC. SOUGHT”;
- (g) in Part 4—
  - (i) in subparagraph “a” for “on the terms and conditions” to the end, substitute “including any authorisation, requirement or direction set out in Part 3 of the application.”;
  - (ii) in the subparagraph denoted “b.ii.” after “the” insert “other”;
- (h) the title of the Form becomes “Application for a Child Protection Order (other than by local authority) under section 37 of the Children’s Hearings (Scotland) Act 2011”.
- (25) In Form 49 (Child Protection Order)—
  - (a) for “Case No” substitute “Court ref. no.”;
  - (b) for “unless order made re non disclosure” substitute “unless an information non-disclosure direction made”;
  - (c) omit “TERMS AND CONDITIONS”;
  - (d) for “to the applicant [insert name and address of the applicant]” substitute “to a specified person [insert name and address of the specified person]”;
  - (e) for “by the applicant” substitute “by the specified person”;
  - (f) for the paragraph starting “\*The sheriff orders that the locality of the place of safety” substitute—
    - “\*The sheriff authorises the carrying out (subject to section 186) of an assessment of—
    - (a) the child’s health or development, or
    - (b) the way in which the child has been or is being treated or neglected.”;
  - (g) under the heading “DIRECTIONS” insert—
    - “The Sheriff directs that—

- (a) \*the location of any place of safety; and
- (b) \*any other information [*specify information*]

must not be disclosed (directly or indirectly) to the following persons (*specify person or class of persons*)

(*\*delete as applicable*);

- (h) for “section 58(1) and (2)” substitute “section 41”;
- (i) for “section 58(4), (5) or (6)” substitute “section 42”;
- (j) for the paragraph starting “For the purpose of enforcing this order” substitute—

“For the purpose of enforcing this order, warrant is granted to officers of law for all lawful execution, including—

- (a) searching for and apprehending the child;
- (b) taking the child to the authorised place;
- (c) where (i) it is not reasonably practicable to take the child immediately to the authorised place; and (ii) the authorised place is not a place of safety, taking the child to and detaining the child in a place of safety for as short a period of time as is practicable;
- (d) so far as necessary, by breaking open shut and lockfast places..

”

- (k) in the signing provisions—
  - (i) for “Sheriff at” substitute “Sheriff”;
  - (ii) after that line insert—

“Time.....”;

- (l) the title of the Form becomes “Child Protection Order under section 37 of the Children’s Hearings (Scotland) Act 2011”.

(26) In Form 50 (Notice of Child Protection Order to child)—

- (a) after “ARRANGEMENTS TO KEEP YOU SAFE” insert—  
“Court ref. no.:”;
- (b) for “order or any directions” on each occasion substitute “order or any authorisation, requirement or direction”;
- (c) for “0800 317 500” substitute “0800 328 8970”;
- (d) for “9.00am and 5.00pm” substitute “9.30am and 4.00pm”;
- (e) for “a copy of the application which was made to the court” substitute “[a copy of the application which was made to the court (*delete if appropriate*)]”;
- (f) the title of the Form becomes “Notice of Child Protection Order to a child in terms of section 37 of the Children’s Hearings (Scotland) Act 2011”.

(27) In Form 51 (Notice of Child Protection Order to a named person)—

- (a) for “Case No” substitute “Court ref. no.:”;
- (b) for “section 57 of the Children (Scotland) Act 1995” substitute “section 37 of the Children’s Hearings (Scotland) Act 2011”;
- (c) for “ORDER AND ANY DIRECTIONS” substitute “ORDER AND ANY AUTHORISATION, REQUIREMENT OR DIRECTION”;

- (d) for “SECTION 81 OF THE CHILDREN (SCOTLAND) ACT 1995” substitute “SECTION 59 OF THE CHILDREN’S HEARINGS (SCOTLAND) ACT 2011”;
  - (e) the title of the Form becomes “Notice of Child Protection Order to a named person under section 37 of the Children’s Hearings (Scotland) Act 2011”.
- (28) In Form 52 (Application to vary or terminate a Child Protection Order)—
- (a) for “Case No” substitute “Court ref. no.”;
  - (b) for “or recall a Child Protection Order under section 60(7) of the Children (Scotland) Act 1995” substitute “or terminate a Child Protection Order under section 48 of the Children’s Hearings (Scotland) Act 2011”;
  - (c) in Part 1—
    - (i) in the entry for “SAFEGUARDER” omit “appointed by a children’s hearing or court in respect of the child”;
    - (ii) in the entry for “THE PRINCIPAL REPORTER” omit “name.”;
    - (iii) for “section 93(2)(b) of the Act” substitute “Rule 3.1(1)”;
    - (iv) after the entry for “RELEVANT PERSON” insert—
 

LOCAL AUTHORITY    *[insert name, address, telephone, DX and fax numbers];*
  - (v) after “at the time of the application being made,” insert “any person who applied for the child protection order or any person specified in the order under section 37(2) (a), unless the person is the applicant”;
- (d) in Part 2—
- (i) for “order and conditions” substitute “order, including any authorisation, requirement or direction”;
  - (ii) for “ORDER(S) OR CONDITIONS THE VARIATION OR RECALL OF WHICH ARE SOUGHT” substitute “ORDER(S), INCLUDING ANY AUTHORISATION, REQUIREMENT OR DIRECTION THE VARIATION OR TERMINATION OF WHICH ARE SOUGHT”;
  - (iii) for “setting aside” substitute “termination”;
- (e) in Part 3—
- (i) in subparagraph b.iv. after “The” insert “other”;
  - (ii) for “recall” substitute “terminate”;
- (f) the title of the Form becomes “Application to vary or terminate a Child Protection Order under section 48 of the Children’s Hearings (Scotland) Act 2011”.
- (29) In Form 53 (Variation of Child Protection Order)—
- (a) for “Case No” substitute “Court ref. no.”;
  - (b) for “recall” substitute “terminate”;
  - (c) for “TERMS AND CONDITIONS” substitute “AUTHORISATIONS, REQUIREMENTS AND DIRECTIONS”;
  - (d) for “to the applicant [insert name and address of the applicant]” substitute “to the specified person [insert name and address of the specified person]”;
  - (e) for “by the applicant” substitute “by the specified person”;
  - (f) for the paragraph starting “\*The locality of the place of safety” substitute—
 

“\*the carrying out (subject to section 186 of the Act) of an assessment of—

- (a) the child’s health or development, or
- (b) the way in which the child has been or is being treated or neglected is authorised.”;
- (g) under the heading “DIRECTIONS” insert—
  - The Sheriff directs that—
  - (a) \*the location of any place of safety; and
  - (b) \*any other information [*specify information*]must not be disclosed (directly or indirectly) to the following person or class of person (*specify person or class of person*)  
(\*delete as applicable);
- ”
- (h) for “section 58(1) and (2) the sheriff has given” substitute “section 41 the sheriff gives”;
- (i) for “section 58(4), (5) or (6) the sheriff has given” substitute “section 42 the sheriff gives”;
- (j) for the paragraph starting “For the purpose of enforcing any of these orders” substitute—
  - For the purpose of enforcing this order, warrant is granted to officers of law for all lawful execution, including—
  - (a) searching for and apprehending the child;
  - (b) taking the child to the authorised place;
  - (c) where (i) it is not reasonably practicable to take the child immediately to the authorised place; and (ii) the authorised place is not a place of safety, taking the child to and detaining the child in a place of safety for as short a period of time as is practicable;
  - (d) so far as necessary, by breaking open shut and lockfast places..”
- (k) in the signing provisions—
  - (i) for “Sheriff at” substitute “Sheriff”;
  - (ii) after that line insert—  
“Time.....”;
- (l) the title of the Form becomes “Variation or termination of Child Protection Order under section 48 of the Children’s Hearings (Scotland) Act 2011”.
- (30) In Form 54 (Application for exclusion order by local authority)—
  - (a) for “Case No” substitute “Court ref. no.”;
  - (b) for “section 93(2)(b) of the Act” substitute “Rule 3.1(1)”;
  - (c) in the entry for “THE PRINCIPAL REPORTER” omit “name and”.
- (31) In Form 55 (Exclusion Order)—
  - (a) for “Case No” substitute “Court ref. no.”;
  - (b) in the signing provisions—
    - (i) for “Sheriff at” substitute “Sheriff”;
    - (ii) after that line insert—  
“Time.....”.

- (32) In Form 56 (Certificate of delivery)—
- (a) after the title of the Form, insert “Court ref. no.:”;
  - (b) for “(insert name and address) Chief Constable of (insert name of constabulary)” substitute “the chief constable of the Police Service of Scotland”.
- (33) In Form 57 (Application to vary or recall an Exclusion Order)—
- (a) for “Case No” substitute “Court ref. no.:”;
  - (b) after the entry for “APPROPRIATE PERSON(S)” insert—  
“  
RELEVANT PERSON [insert name, address, and the basis for the person being a relevant person within the meaning of Rule 3.1(1)];  
”
  - (c) in the entry for “THE PRINCIPAL REPORTER” omit “name,”.
- (34) In Form 58 (Variation of Exclusion Order)—
- (a) for “Case No” substitute “Court ref. no.:”;
  - (b) in the signing provisions—
    - (i) for “Sheriff at” substitute “Sheriff”;
    - (ii) after that line insert—  
“Time.....”.
- (35) For the following Forms, substitute the relevant Form(s) set out in the Schedule to this Act of Sederunt—
- (a) for Form 60, substitute Form 60;
  - (b) for Form 61, substitute Form 61;
  - (c) for Form 62, substitute Form 62;
  - (d) for Form 63, substitute Forms 63 and 63A.
- (36) For Form 64 (Intimation to child) substitute Forms 64, 64A and 64B set out in the Schedule to this Act of Sederunt.
- (37) In Form 65 (Form of warrant to cite Principal Reporter)—
- (a) after the title of the Form insert—  
“Court ref. no.:”;
  - (b) in paragraph numbered “2” for “Appellant” substitute “Applicant”;
  - (c) in paragraph numbered “3”—
    - (i) for “Appellant” substitute “Applicant”;
    - (ii) in subparagraph (i) after “relevant person or persons” insert “(within the meaning of Rule 3.1(1) (if not the Applicant))”;
    - (iii) after subparagraph (ii) insert—  
“(iia) [YZ] (name and design) any curator ad litem”;
    - (iv) after subparagraph (iii) insert—  
“(iv) [CD]\* (insert name of child (if not the Applicant))”;
  - (d) the title of the Form becomes “Application under section 110 of the Children’s Hearings (Scotland) Act 2011: Form of warrant to cite Principal Reporter”.
- (38) After Form 65 insert Forms 65A, 65B, 65C, 65D and 65E set out in the Schedule to this Act of Sederunt.

- (39) In Form 75 (Child witness notice) for paragraph numbered “1” substitute—
- “1. [A.B.] (the Applicant) is a party to an [application under section [93(2)(a), 94(2)(a) or 110] of the Children’s Hearings (Scotland) Act 2011] or [an appeal under Part 15 of the 2011 Act]. [State the nature of the interest of the party].”.
- (40) In Form 76A (Vulnerable witness application) for paragraph numbered “1” substitute—
- “1. [A.B.] (the Applicant) is a party to an [application under section [93(2)(a), 94(2)(a) or 110] of the Children’s Hearings (Scotland) Act 2011] or [an appeal under Part 15 of the 2011 Act]. [State the nature of the interest of the party].”.
- (41) In Form 77 (Application for review of arrangements for vulnerable witness) for paragraph numbered “1” substitute—
- “1. [A.B.] (the Applicant) is a party to an [application under section [93(2)(a), 94(2)(a) or 110] of the Children’s Hearings (Scotland) Act 2011] or [an appeal under Part 15 of the 2011 Act]. [State the nature of the interest of the party].”.
- (42) In Form 79 (Application for admission of evidence or allowance of questioning)—
- (a) for paragraph numbered “1” substitute—
- “1. [A.B.] (the Applicant) is a party to an [application under section [93(2)(a), 94(2)(a) or 110] of the Children’s Hearings (Scotland) Act 2011] or [an appeal under Part 15 of the 2011 Act] in relation to the child [C.D.]. [State the nature of the interest of the party].”;
- (b) in paragraph numbered “3”—
- (i) after “designed to elicit,” insert “or enable to be taken by commissioner.”;
- (ii) for “[other witness]” substitute “[other person]”;
- (iii) for “ground of referral” substitute “statement of grounds”;
- (iv) for the third bullet point substitute—
- “\*has, at any time (other than shortly before, at the same time as or shortly after the acts which form part of the subject-matter of the ground), engaged in behaviour (not being sexual behaviour), that might found an inference that the person is not credible or the person’s evidence is not reliable.”;
- (v) for the fourth bullet point substitute—
- “\*has, at any time, been subject to any condition or predisposition that might found the inference that the person is not credible or the person’s evidence is not reliable.”;
- (c) in paragraph numbered “4” for “section 68B(1)(a), (b) and (c) of the Act” substitute “section 175 of the 2011 Act”;
- (d) at the end of the Form insert “(\*delete as appropriate)”;
- (e) the title of the Form becomes “Application to sheriff for order as to evidence under section 175 of the Children’s Hearings (Scotland) Act 2011”.
- (43) The title of Form 80 becomes “Certificate of intimation under section 175 of the Children’s Hearings (Scotland) Act 2011”.
- (44) The following Forms are revoked—
- (a) Form 30 (Notice to child of application for a further Detention Warrant);
- (b) Form 38 (Notice of application for further detention of child);
- (c) Form 59 (Application by Principal Reporter for further detention of child).