
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 172

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

Amendment of the Ordinary Cause Rules

- 5.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.
(2) Before Chapter 34 (actions relating to heritable property)(1) insert—

“CHAPTER 33C

REFERRALS TO PRINCIPAL REPORTER

Application and interpretation of this Part

33C.1.—(1) In this Chapter—

“2011 Act” means the Children’s Hearings (Scotland) Act 2011;

“relevant proceedings” means those proceedings referred to in section 62(5)(a) to (j) and (m) of the 2011 Act, ;

“section 62 statement” has the meaning given in section 62(4) of the 2011 Act;

“Principal Reporter” is the person referred to in section 14 of the 2011 Act or any person carrying out the functions of the Principal Reporter by virtue of paragraph 10(1) of schedule 3 to that Act.

- (2) This Chapter applies where a sheriff, in relevant proceedings, makes a referral to the Principal Reporter under section 62(2) of the 2011 Act (“a referral”).

Intimation to Principal Reporter

33C.2. — Where a referral is made, there shall be attached to the interlocutor a section 62 statement, which shall be intimated forthwith by the sheriff clerk to the Principal Reporter.

Intimation of decision by Principal Reporter

33C.3.—(1) Where a referral is made and the Principal Reporter considers that it is necessary for a compulsory supervision order to be made in respect of the child and arranges a children’s hearing under section 69(2) of the 2011 Act, the Principal Reporter shall intimate to the court which issued the section 62 statement the matters referred to in paragraph (2).

- (2) The matters referred to in paragraph (1) are—

- (a) the decision to arrange such a hearing;
- (b) where no appeal is made against the decision of that children’s hearing prior to the period for appeal expiring, the outcome of the children’s hearing; and

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(c) where such an appeal has been made, that an appeal has been made and, once determined, the outcome of that appeal.

(3) Where a referral has been made and the Principal Reporter determines that—

(a) none of the section 67 grounds apply in relation to the child; or

(b) it is not necessary for a compulsory supervision order to be made in respect of the child

the Principal Reporter shall intimate that decision to the court which issued the section 62 statement.”.

(3) The following provisions are revoked—

(a) Part XIV of Chapter 33 (referrals to Principal Reporter)(**2**);

(b) Part XII of Chapter 33A (referrals to Principal Reporter)(**3**).

(2) Part XIV of Chapter 33 was inserted by [S.I. 1996/2167](#) and amended by [S.S.I. 2005/648](#).

(3) Part XII of Chapter 33A was inserted by [S.S.I. 2005/638](#).