



Children (Scotland) Act 1995

1995 CHAPTER 36

PART II

PROMOTION OF CHILDREN'S WELFARE BY LOCAL
AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

CHAPTER 3

PROTECTION AND SUPERVISION OF CHILDREN

Measures for the emergency protection of children

58 Directions in relation to contact and exercise of parental responsibilities and parental rights

- (1) When the sheriff makes a child protection order, he shall at that time consider whether it is necessary to give a direction to the applicant for the order as to contact with the child for—
 - (a) any parent of the child;
 - (b) any person with parental responsibilities in relation to the child; and
 - (c) any other specified person or class of persons;and if he determines that there is such a necessity he may give such a direction.
- (2) Without prejudice to the generality of subsection (1) above, a direction under that subsection may—
 - (a) prohibit contact with the child for any person mentioned in paragraphs (a) to (c) of that subsection;
 - (b) make contact with the child for any person subject to such conditions as the sheriff considers appropriate to safeguard and promote the welfare of the child.

- (3) A direction under subsection (1) above may make different provision in relation to different persons or classes of person.
- (4) A person applying for a child protection order under section 57(1) or (2) of this Act may at the same time apply to the sheriff for a direction in relation to the exercise or fulfilment of any parental responsibilities or parental rights in respect of the child concerned, if the person considers such a direction necessary to safeguard or promote the welfare of the child.
- (5) Without prejudice to the generality of subsection (4) above, a direction under that subsection may be sought in relation to—
 - (a) any examination as to the physical or mental state of the child;
 - (b) any other assessment or interview of the child; or
 - (c) any treatment of the child arising out of such an examination or assessment, which is to be carried out by any person.
- (6) The sheriff may give a direction sought under subsection (4) above where he considers there is a necessity such as is mentioned in that subsection; and such a direction may be granted subject to such conditions, if any, as the sheriff (having regard in particular to the duration of the child protection order to which it relates) considers appropriate.
- (7) A direction under this section shall cease to have effect when—
 - (a) the sheriff, on an application under section 60(7) of this Act, directs that it is cancelled; or
 - (b) the child protection order to which it is related ceases to have effect.