|  |
| --- |
| **Act of Sederunt (Child Care and Maintenance Rules) 1997****Statutory Instrument 1997 No. 291 (S.19)** |
| **PART IV CHILD PROTECTION ORDERS****Applications lodged on or after 24 June 2013** |
| **3.29** | [**Interpretation**](#r0329) |
| **3.30** | [**Form of application**](#r0330) |
| **3.31** | [**Determination of application**](#r0331) |
| **3.32** | [**Intimation of making of order**](#r0332) |
| **3.33** | [**Application to vary or terminate a child protection order**](#r0333) |

**Interpretation**

**3.29** In this Part, "application" means, except in rule 3.33, an application for a child protection order in terms of section 37 of the 2011 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 40, 41 or 42 of the 2011 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) the persons referred to in section 43(1)(a), (c), (d) and (e) of the 2011 Act, along with a notice in Form 51; and

(c) such other persons as the sheriff may direct and in such manner as he or she may direct.

**Application to vary or terminate a child protection order**

**3.33** (1) An application under section 48 of the 2011 Act for the variation or termination of a child protection order shall be made in Form 52.

(2) A person applying under section 48 of the 2011 Act for the variation or termination 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 under section 49 of the 2011 Act may appear or be represented at the hearing of the application.

(4) 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.