

Secondary Legislation Work Tracker

Legislation	Court	SCJC lead	Action	Key Dates
Sheriff Courts (S) Act 1971, section 32(1)(ed) - new power to prescribe circumstances in which a party to proceedings under the Children's Hearings (S) Act 2011 may be prohibited from personally conducting the examination of witnesses)	Sheriff Court	Family Committee	<p>SCRC Child Welfare Working Group considered the new power conferred by section 185(2)(a) of the 2011 Act but due to the complexity of the procedure involved the SCRC did not propose draft rules and the matter was remitted to the SCJC.</p> <p>On 10 June 2013 the SCJC remitted the matter to the FLC.</p> <p>The Scottish Government has produced a policy paper which will be placed before the FLC for its consideration.</p>	To be considered by the Family Committee on 24 June 2013.
Simplified Procedure for Parental Rights and Responsibilities	Sheriff Court	Family Committee	<p>Proposal for a new simplified procedure for parental rights and responsibilities to be introduced into the Ordinary Cause Rules with application to be made by way of a Form in similar style to that used in Simplified Divorce and Simplified Dissolution of Civil Partnership Applications. The SCRC reached the view that although the proposal was well intentioned it could not be regarded as a simplified procedure given it involved the welfare of children and remitted the matter to the Scottish Civil Justice Council for consideration.</p> <p>On 10 June 2013 the SCJC remitted the matter to the FLC.</p>	To be considered by the Family Committee on 24 June 2013.

<p>Intimation of applications for CPOs - <i>NJ and EH v The Lord Advocate</i></p>	<p>Sheriff Court</p>	<p>Family Committee</p>	<p>Current rule 3.31(1) of the 1997 Act of Sederunt provides that on receipt of an application for a child protection order that the sheriff having considered the grounds of the application and the supporting evidence, should forthwith grant or refuse it.</p> <p>The case of <i>NJ and EH</i> raises a question as to whether consideration should be given as to whether the current rule should make provision allowing the sheriff to order intimation of an application to relevant persons and affording them the opportunity to make representations prior to it being granted or refused.</p> <p>The Scottish Government has asked that the SCJC consider whether the current rules should be changed.</p> <p>On 10 June 2013 the SCJC remitted the matter to the FLC.</p>	<p>To be considered by the Family Committee on 24 June 2013.</p>
<p>Inner House case management - appeals relating to orders under s. 11 Children (S) Act 1995</p>	<p>Court of Session</p>	<p>Family Committee</p>	<p>Concerns have been raised as to how appeals of this nature should be handled, particularly where it is argued that by the time the appeal comes to be heard there has been a substantial change in circumstances. The Lord President referred the matter to the SCJC for consideration by the FLC. Lord Menzies, as Inner House Administrative judge, is to be consulted and his views relayed to the FLC.</p>	<p>Legal Secretariat to meet Lord Menzies on 17 June 2013. To be considered by the Family Committee on 24 June 2013.</p>