The Juvenile Courts (Procedure) (Scotland) Rules, 1951

1951 No. 2228 (S. 108)

Made - - - - 15*th December,* 1951
Coming into Operation 1*st February,* 1952

I, the Right Honourable Thomas Mackay Cooper, Lord Justice-General, in exercise of the powers conferred on me by subsection (2) of section 52 of the Children and Young Persons (Scotland) Act 1937(**a**), do hereby make the following Rules:—

1. These Rules may be cited as the Juvenile Courts (Procedure) (Scotland) Rules, 1951.

2. These Rules shall come into operation on the 1st day of February, 1952.

3. In these Rules the following expressions shall have the meanings hereby respectively assigned to them viz.:—

"the Act of 1937" means the Children and Young Persons (Scotland) Act, 1937(**a**):

"the Act of 1949" means the Criminal Justice (Scotland) Act, 1949(**b**):

"Court" means a Court constituted in accordance with the provisions of sections 50 and 51 of the Act of 1937, or, in an area to which said section 50 has not been applied by order of the Secretary of State, a Court of summary jurisdiction sitting for the purpose of hearing any such charge or proceeding as is mentioned in subsection (1) of said section 50.

4. Proceedings in a Court against or in respect of any person charged with an offence may commence by complaint at the instance of the prosecutor of the Court, or other person authorised by statute to prosecute, and shall thereafter proceed as regards citation, service, finding of security and other steps of procedure, as nearly as may be in accordance with the provisions of the Summary Jurisdiction (Scotland) Acts(**c**), as modified by the Act of 1937, the Act of 1949, and these Rules.

5. Proceedings under subsection (1) of section 9 of the Adoption Act 1950(**d**) shall commence by petition at the instance of the proposed adopter, and shall proceed as nearly as may be in the same manner as an application in a Sheriff Court in accordance with the Acts of Sederunt(**e**) for regulating such proceedings made under or continued in force by the said Act.

6. Proceedings under sections 47, 66, subsection (2) of section 67, sections 68, 69, 70, subsection (3) of section 72, subsections (6) to (8) inclusive of section 88, and subsection (1) of section 89 of the Act of 1937 and under

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(**a**) 1 Edw. 8 & 1 Geo. 6. c. 37.
(**b**) 12, 13 & 14 Geo. 6. c. 94.
(**c**) 8 Edw. 7. c. 65 and 9 Edw. 7. c. 28.
(**d**) 14 Geo. 6. c. 26.
(**e**) S.R. & O. 1930 (No. 891) p. 3; S.I. 1950 (No. 62) I, p. 265; S.I. 1950 (No. 2142) I, p. 266.

subsection (2) of section 38 of the Education (Scotland) Act 1946(a), and any incidental proceedings and any other proceedings not before specifically mentioned may commence by petition at the instance of the person making the application, or, in the case of proceedings under said section 68 of the Act of 1937, the petition may be at the instance of the prosecutor of the Court.

In any such proceedings by, or on behalf of, an education authority or local authority, the petition may be at the instance of an officer or other person appointed for the purpose by such authority, or in the case of proceedings by an education authority under said subsection (2) of section 38 of the Education (Scotland) Act 1946(a) at the instance of the prosecutor of the Court.

7. The forms in the Schedule hereto appended, or forms to the like effect, shall be used, with such variations as circumstances may require.

8.—(1) The Court shall, except in any case where the child or young person is legally represented, allow his parent or guardian to assist him in conducting his defence to the complaint or opposition to the petition or in presenting his case in any subsequent proceedings arising out of a complaint or petition including the cross-examination of witnesses for the prosecution or petitioner.

(2) Where the parent or guardian cannot be found or cannot in the opinion of the Court reasonably be required to attend, the Court may allow any relative or other responsible person to take the place of the parent or guardian for the purposes of these Rules.

9. In any case where a child or young person is brought before a Court charged with an offence the following procedure shall be followed, viz.:—

(1) The Court shall explain to the child or young person the substance of the charge in simple language suitable to his age and understanding, and shall then ask the child or young person whether he admits the charge.

(2) If the child or young person has been brought before the Court on apprehension, the Court shall inform him that he is entitled to an adjournment of the case for not less than 48 hours.

(3) If the child or young person does not admit the charge the Court may adjourn the case for trial to as early a diet as is consistent with the just interests of both parties, and in that event shall give intimation or order intimation to be given of such adjourned diet to such child or young person and his parent or guardian: but the Court may proceed to trial forthwith if the Court considers this to be advisable in the interests of the child or young person or to be necessary to secure the examination of witnesses who would not otherwise be available.

(4) (*a*) At the trial of the case the Court shall hear the evidence of the witnesses in support of the charge. At the close of the evidence-in-chief of each witness the witness may be cross-examined by or on behalf of the child or young person.

(*b*) If, in any case where the child or young person is not legally represented or assisted in his defence as provided by these Rules, the child or young person, instead of asking questions by way of cross-examination, makes assertions, the Court shall then put to the witness such questions as it thinks necessary on behalf of the child or young

(a) 9 & 10 Geo. 6. c. 72.

person and may for this purpose question the child or young person in order to bring out or clear up any point arising out of any such assertions.

(5) At the close of the case for the prosecution, the Court shall tell the child or young person that he may give evidence or make a statement, and the evidence of any witness for the defence shall be heard.

(6) Where the Court is satisfied, after trial or otherwise, that the child or young person has committed an offence, the Court shall so inform the child or young person and,

(*a*) he and his parent or guardian, or other person acting in accordance with these Rules, shall be given an opportunity of making a statement:

(*b*) the Court shall, except in cases which appear to it to be of a trivial nature, obtain such information as to the general conduct, home surroundings, school record, health and character of the child or young person as may enable it to deal with the case in his best interests, and shall if such information is not fully available consider the desirability of remanding the child or young person for such enquiry as may be necessary:

(*c*) the Court shall take into consideration any report which may be made or obtained by a probation officer in pursuance of section 43 of the Act of 1937 and section 77 and the Eleventh Schedule of the Act of 1949:

(*d*) any written report of a probation officer, education authority, or registered medical practitioner may be received and considered by the Court without being read aloud:

Provided that—

(i) the child or young person shall be told the substance of any part of the report bearing on his character or conduct which the Court considers to be material to the manner in which he should be dealt with:

(ii) the parent or guardian, or other person acting in accordance with these Rules, shall, if present, be told the substance of any part of the report which the Court considers to be material as aforesaid and which has reference to his character or conduct, or the character, conduct, home surroundings or health of the child or young person: and

(iii) if the child or young person or his parent or guardian, or other person acting in accordance with these Rules, having been told the substance of any part of any such report, desires to produce evidence with reference thereto, the Court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence, and shall, if necessary, require the attendance at the adjourned hearing of the person who made the report: and

(*e*) if the Court acting in pursuance of this Rule considers it necessary in the interests of the child or young person, it may require the parent or guardian, or other person acting in accordance with these Rules, or the child or young person, as the case may be, to withdraw from the Court.

(7) The Court shall thereupon, unless it thinks it undesirable to do so, inform the parent or guardian, or other person acting in accordance with these Rules, of the manner in which it purposes to deal with the child or young person and allow the parent or guardian, or other person acting in accordance with these Rules, to make a statement.

10. In any case where a child or young person is to be brought before a Court in proceedings commenced by petition, the following procedure shall be followed, viz.:—

(1) The petitioner shall (except where he himself is the parent or guardian of the child or young person) serve upon the parent or guardian of the child or young person, if he can be found, a notice specifying the grounds on which the child or young person is to be brought before the Court and the time and place at which the Court will sit.

(2) Before proceeding with the hearing, the Court shall inform the child or young person of the nature of the application.

(3) Except in so far as the facts may be admitted by the child or young person and his parent or guardian or other person acting in accordance with these Rules, the Court shall hear evidence tendered by or on behalf of the petitioner.

(4) (*a*) Where the nature of the case, or the evidence to be given, is such that in the opinion of the Court it is in the interests of the child or young person that the evidence, other than any evidence relating to the character or conduct of the child or young person, should not be given in his presence, the Court may hear any part of such evidence in his absence; and in that event his parent or guardian, or other person acting in accordance with these Rules, shall be permitted to remain in Court during the absence of the child or young person;

(*b*) The Court may exclude the parent or guardian, or other person acting in accordance with these Rules, while the child or young person gives evidence or makes a statement, if the Court is satisfied that in the special circumstances it is proper to do so: provided that the Court shall inform the parent or guardian or other person above mentioned of the substance of any allegation made by the child or young person, and shall give such parent or guardian or other person above mentioned an opportunity of meeting it by calling evidence or otherwise.

(5) If it appears to the Court that a *prima facie* case has been made out by the petitioner, it shall tell the child or young person and his parent or guardian, or other person acting in accordance with these Rules, that they may give evidence or make a statement and call witnesses.

(6) Thereupon in proceedings under section 70, subsection (3) of section 72, subsections (6) to (8) inclusive of section 88 and subsection (1) of section 89 of the Act of 1937 the Court shall make such order dealing with the child or young person as to the Court shall seem just.

(7) In proceedings, other than those mentioned in paragraph (6) of this Rule, where the Court is satisfied that the child or young person comes within the description mentioned in the petition,

(*a*) the Court shall obtain such information as to the general conduct, home surroundings, school record, health and character of the child or young person as may enable it to deal with the case in his best interests; and shall, if such information is not fully available, consider the desirability of continuing the case for such enquiry as may be necessary or of making an interim order under section 71 of the Act of 1937 or of causing notification in writing of the proceedings to be sent to the education authority within whose area the child or young person is resident;

(*b*) the Court shall take into consideration any report which may be made or obtained by a children's officer of a local authority in pursuance of section 43 of the Act of 1937 and section 77 and the Eleventh Schedule of the Act of 1949;

(*c*) any written report of a probation officer, children's officer of a local authority, education authority, or registered medical practitioner may be received and considered by the Court without being read aloud:

Provided that—

(i) the child or young person shall be told the substance of any part of the report bearing on his character or conduct which the Court considers to be material to the manner in which he should be dealt with:

(ii) the parent or guardian, or other person acting in accordance with these Rules, shall be told the substance of any part of the report which the Court considers to be material as aforesaid and which has reference to his character or conduct, or the character, conduct, home surroundings or health of the child or young person: and

(iii) if the child or young person or his parent or guardian, or other person acting in accordance with these Rules, having been told the substance of any part of any such report, desires to produce evidence with reference thereto, the Court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence, and shall, if necessary, require the attendance at the adjourned hearing of the person who made the report: and

(*d*) if the Court acting in pursuance of this Rule considers it necessary in the interests of the child or young person, it may require the parent or guardian, or other person acting in accordance with these Rules, or the child or young person, as the case may be, to withdraw from the Court: and

(*e*) the Court shall thereupon, unless it thinks it undesirable or unnecessary to do so, inform the parent or guardian if present or other person acting in accordance with these Rules, of the manner in which it purposes to deal with the child or young person and allow the parent or guardian, or other person acting in accordance with these Rules, to make a statement.

11. In any case where a child or young person is to be brought before a Court upon information given on oath that he has failed to comply with any of the requirements of a probation order or of a supervision order, the following procedure shall be followed, viz.:—

(1) The probation officer or other person under whose supervision the child or young person has been placed shall immediately upon making oath as aforesaid give intimation of the fact to the prosecutor of the Court or to the original petitioner, as the case may be; and where such probation officer or other person is a person named in a supervision order, he shall, failing the said petitioner doing so, be responsible for giving the notice referred to in paragraph (2) of this Rule.

(2) The citation (if any) requiring the appearance of the child or young person shall be accompanied by a notice in Form D12 in the Schedule to these Rules giving the reasons for the issue of such citation and stating

in what respects it is alleged that any one or more of the requirements of the order has or have not been complied with by him, and in any case where the child or young person has been apprehended without prior citation such notice shall be handed to him in Court.

(3) The Court shall explain to the child or young person in simple language suitable to his age and understanding the effect of the notice and shall then ask him whether he admits having failed to comply with the requirements of the order as alleged: provided that where the notice has been handed to the child or young person in court, the Court may, if it thinks it desirable, adjourn the proceedings for 48 hours before so interrogating him.

(4) If the child or young person does not admit the alleged failure to comply with the requirements of the order, the proceedings shall thereafter be conducted and the matter shall be determined by the Court in like manner as if the same were a matter which had arisen for determination upon the original complaint or petition: provided that where the alleged failure is in respect of the requirements of a supervision order, the proceedings may be at the instance of the person under whose supervision the child or young person has been placed, or if such person so requests or it is otherwise considered by the Court to be necessary, at the instance of the prosecutor of the Court.

12. The Court may from time to time and at any stage of a case remand a child or young person for information to be obtained with respect to him.

13. Where a child or young person has been remanded, or has been detained in a place of safety under an *interim* order having effect by virtue of subsection (2) of section 71 of the Act of 1937, and the period of remand is extended, or, as the case may be, a further *interim* order as aforesaid is made, in his absence, notice in Form A (3) or Form F (2) (whichever is the appropriate) in the Schedule to these Rules shall be given to him and his cautioners (if any) of the date at which he will be required to appear before the Court.

14. The clerk of Court shall keep a separate register with such particulars as appear in Form M in the Schedule to these Rules.

15. Where a Court makes a supervision order in respect of a child or young person, it shall furnish to the child or young person (in addition to any copy of the Order which it may be required to furnish under subsection (3) of Section 72 of the Act of 1949) a notice in writing in Form E (7) in the Schedule to these Rules stating in simple terms the effect of the order, including the power of the Court under subsection (1) of section 70 of the Act of 1937 to deal further with him. Such notice shall at the same time be read over to the child or young person (in the presence, if practicable, of his parent or guardian) with such explanation as may be thought desirable.

16. The security which a Court may under subsection (2) of section 66 of the Act of 1937 require a parent or guardian to give for the exercise of proper care and guardianship over a child or young person shall be given by way of consignation or bond of caution.

17. An order made under the Act of 1937 on a parent or other person liable to maintain a child or young person, may be served by any constable or by an officer of the education authority or local authority named in the order by delivering a copy of such order, with relative notes appended, to the person on whom it is made, or by sending the same by registered post to him at his last known place of abode.

18. Warrants of apprehension and of search shall be signed by the Court granting the same, but all other warrants, orders of Court, findings of Court and extracts thereof, may be signed either by the Court or by the clerk of Court.

19. The Court shall take steps so far as possible to prevent children and young persons attending sittings of the Court from mixing with one another. In so far as this cannot be achieved by holding separate sittings or fixing different hours for the different cases and types of cases coming before it, the Court may bring into use extra waiting rooms, or may provide for the attendance of a member of the police force or a female attendant in the waiting room or rooms.

20. The Court shall when dealing with adoption cases, sit on a different day, or hold a separate session if on the same day, from that on which other cases affecting children or young persons are heard.

21. Any contribution order in the form provided by these Rules, whatever the amount thereby ordered to be paid, shall have the force and effect of an extract of a decree for the payment of money by instalments of the Sheriff's Small Debt Court, and the like diligence may be executed thereon, and in the same manner, as if the contribution order were such an extract.

22. The Interpretation Act, 1889(**a**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

23. The Juvenile Courts (Procedure) Rules 1934, dated June 6, 1934(**b**) together with the amending Rules dated October 8, 1935(**c**) and February 4, 1937(**d**) made by the Lord Justice-General under subsection (1) of section 3 of the Children and Young Persons (Scotland) Act 1932(**e**) and continued in force by virtue of subsection (1) of Section 111 and the Third Schedule of the Act of 1937, are hereby revoked.

Dated this fifteenth day of December, 1951.

T. M. Cooper,
Lord Justice General.

Edinburgh.

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1934 (No. 641) I, p. 873.
(c) S.R. & O. 1935 (No. 1008), p. 731. (d) S.R. & O. 1937 (No. 136), p. 1494.
(e) 22 & 23 Geo. 5. c. 47.

SCHEDULE OF FORMS

A (1) Remand for enquiry before Complaint.

(2) Discharge of Remand.

(3) Notice to child [*or* young person] of extended remand [*or* adjournment] in absence: (Act of 1937. S. 53 (4).)

(4) Detention in, or removal to, place of safety for enquiry before Petition: (Act of 1937. S. 71.)

B (1) Notice to parent [*or* guardian] for attendance at Court in case of child [*or* young person] (offence).

(2) Notice to Probation Officer: (Act of 1937. S. 43; Act of 1949. S. 77 and 11th Schedule).

(3) Notice to Local Authority: (Act of 1937. S. 43; Act of 1949. S. 77 and 11th Schedule).

C (1) Certificate of Officer of Police of unfitness of child [*or* young person] to be committed to Remand Home.

(2) Certificate of Court of unfitness of young person to be committed to Remand Home, with relative Order of Commitment to Prison (or Remand Centre).

(3) Certificate of Court of unfitness for further detention of young person in a Remand Home, with (1) Order revoking commitment to Remand Home, and (2) Order of Commitment to Prison (or Remand Centre).

D (1) Complaint in case of child [*or* young person]: offence.

(2) Assignment of Diet.

(3) Warrant to Apprehend.

(4) Adjournments.

(5) Bail.

(6) Plea: fine: committal to Remand Home: admonition, etc.

(7) Forfeiture of bail.

(8) Approved School Order, (offence): contribution order, etc.

(9) Committal to fit person, (offence): contribution order, etc.

(10) Probation Order, etc.

(11) Copy of Probation Order for child [*or* young person]: (Act of 1949. S. 2 (8).)

(12) Notice to child [*or* young person] of failure to comply with requirements of Probation Order or Supervision Order.

(13) Approved School Order following on failure to comply with Requirements of Probation Order: (Act of 1937. S. 61 (1); Act of 1949. S. 5 (2).)

(14) Order amending Probation Order upon a change of residence by probationer: (Act of 1949, 2nd Schedule).

E (1) Petition: Care or protection. (Act of 1937. S. 66.)

(2) Notice to parent [*or* guardian] for attendance at Court in case of child [*or* young person]: (Petition).

(3) Approved School Order: Care or protection. (Act of 1937. S. 66.)

(4) Committal to fit person: Care or protection. (Act of 1937. S. 66.)

(5) Supervision Order: Care or protection. (Act of 1937. S. 66; Act of 1949. S. 72 (1).)

(6) Supervision Order following on application by parent [*or* guardian]. (Act of 1937. S. 68; Act of 1949. S. 72 (1).)

(7) Supervision Order: notice to child [*or* young person].

(8) Approved School Order following on application by parent [*or* guardian]. (Act of 1937. S. 68.)

(9) Approved School Order—Failure to attend School regularly: (Act of 1937. S. 66; Education (Scotland) Act 1946. S. 38 (2).)

F (1) Interim Order: detention in a place of safety, or committal to a fit person. (Act of 1937. S. 71 (2).)

(2) Notice to child [*or* young person] of further Interim Order for his detention in a place of safety, made in his absence. (Act of 1937. S. 71 (2); Act of 1949. S. 71 (4).)

G. Approved School Order following on application by Local Authority: (Act of 1937. S. 88 (8); Children Act, 1948. 3rd Sched.)

H. Requirement of Residence in Institution: Notice to Secretary of State for Scotland. (Act of 1949. SS. 2 (9) and 72 (3).)

J. Refractory child [*or* young person]: Notice to Education Authority. (Act of 1937. S. 68.)

K. Committal to Approved School or to fit person: following supervision. (Act of 1937. S. 70.)

L. Committal to fit person: variation or revocation of Order. (Act of 1937. Ss. 88 (6) and 88 (7); Act of 1949. S. 71 (2).)

M. Register of the Juvenile Court.

N. Powers of Entry: Order. (Act of 1937. S. 36.)

O (1) Adoption Petition by Husband and Wife.

(2) Service Copy Petition by Husband and Wife.

(3) Certified Copy Adoption Order.

(4) Form of Consent relative to Petition.

P (1) Remit to another Court, with Intimation thereof.

(2) Order remitting to Juvenile Court. (Act of 1937. S. 60.)

Q (1) Bond of Caution by parent [*or* guardian] to exercise proper care and guardianship over child [*or* young person]. (Act of 1937. S. 66 (2) (*c*).)

(2) Bond of Caution for good behaviour: parent [*or* guardian]. (Act of 1937. S. 59 (2).)

(3) Undertaking by parent [*or* guardian] as security for good behaviour of child [*or* young person] in respect of whom a probation order has been made. (Act of 1949. S. 8.)

(4) Undertaking given as security for good behaviour by a young person in respect of whom a probation order has been made. (Act of 1949. S. 8.)

R. Extract: Detention in Remand Home; Fine or Detention in Remand Home, &c.

FORM A (1)

Remand for enquiry before Complaint

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place)

The Petition of (Name and designation of Prosecutor).

Humbly Sheweth,

That the person named in the following Schedule, [each] being a child under the age of fourteen years [*or* a young person under the age of seventeen years] ha been detained in custody in the Remand Home at (state address) in respect of the alleged offence or offences against h [*or* them], as specified in said Schedule, and it is requisite, in order to allow time for enquiry that Warrant to detain in the said Remand Home should be granted to the effect specified in said Schedule, viz.:—

Name	Offence against child [or young person]	Warrant Craved
		To remand the said (name) in custody in the Remand Home at (state address) for enquiry till the day of , 19 , at (state hour): *or* To remand the said (name) in custody in the Remand Home at (state address) for further enquiry till the day of , 19 , at (state hour): *or* In the absence of the said (name) to extend the remand in custody in the Remand Home at (state address) for enquiry till the day of , 19 , at (state hour).

All in terms of the above Acts.

The Petitioner therefore craves the Court to grant Warrant as above set forth.

According to Justice,

Procurator-Fiscal [*or* Prosecutor].

(Court and Place)

19 .

In presence of

of His Majesty's Justices of the Peace for the County of ( ).

The Court, having considered the foregoing Petition, granted Warrant to detain in the Remand Home as craved [*or until security for (state amount) be found for appearance at all diets of Court].

* To be added where Bail allowed.

or

(Court and Place)

19 ., etc.

The Court, having considered the foregoing Petition, granted Warrant to detain in the Remand Home as craved [†subject to Bail (state amount) already found].

† To be added where Bail already found.

Clerk of Court.

Note.—*Petition in like terms may be used where Warrant is craved for detention in Place of Safety.*

FORM A (2)

Discharge of Remand

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place)

The Petition of (Name and designation of Prosecutor).

Humbly Sheweth,

That in the case of the person after-named [each] being a child under the age of fourteen years [*or* a young person under the age of seventeen years] warrant to commit whom on remand to the Remand Home at (state address) for enquiry in respect of alleged offence against h [*or* them], was granted by the Court as undernoted, the Petitioner respectfully reports that in consequence of his enquiries the said (name) ha already been, or ought forthwith to be, dealt with as set forth in the last column of the following Schedule, viz.:—

No. of case	Date of Warrant	Name of Person	Offence against child [or young person]	How Disposed of if already dealt with, or how to be Disposed of

The Petitioner therefore craves the Court to receive the foregoing report, and forthwith to discharge said warrant.

According to Justice,

Procurator-Fiscal [*or* Prosecutor].

(Court and Place)

19 .

In presence of

of His Majesty's Justices of the Peace for the County of ( ).

The Court, having considered the foregoing Petition, received the report and discharged the warrant as craved.

Clerk of Court.

FORM A (3)

Notice to child [or young person] of extended remand [or adjournment] in absence. (Act of 1937. S. 53 (4).)

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

To (name) a child under the age of fourteen years [*or* a young person under the age of seventeen years] of (state address).

In the at the instance of (name and designation) against you for (state offence) which was before the (Court and Place) on the day of , 19 , the Court, in your absence extended the Remand [*or* adjournment] as follows :—

(Court and Place) 19 .

In the presence of

of His Majesty's Justices of the Peace for the County of ( ).

Adjournments under Form D (4) may be used here.

The Court granted warrant to extend the remand in custody in the Remand Home at (state address) for enquiry till the day of , 19 , at (state hour).

Clerk of Court.

Of which extended Remand [*or* adjournment] intimation is hereby given to you on the day of , 19 , by me,

[Signature of Officer serving.]

To (the Cautioners concerned)

I beg to intimate to you the foregoing Notice of extended Remand.

[Signature of Officer serving.]

FORM A (4)

Detention in or Removal to place of safety for enquiry before Petition (Act of 1937. S. 71)

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place).

The Petition of (Name and Designation)

Humbly Sheweth,

That the person named in the following Schedule [each] being a child under the age of fourteen years [*or* a young person under the age of seventeen years] who h been taken to (state address) being a place of safety within the meaning of the above Act and in respect of whom an offence mentioned in the First Schedule to that Act, has been, or is believed to have been committed [or a child (or young person) who is about to be brought before a Juvenile Court in accordance with the provisions of the above Act] [or a child (or young person) who has taken refuge in a place of safety within the meaning of the above Act, at (state address)] as specified in the said following Schedule, and it is requisite in order to allow time for enquiry that Warrant to detain at [*or* remove to] (state address)

being a place of safety within the meaning of the above Acts should be granted to the effect specified in the said Schedule viz. :—

Name	Petition relating to child [or young person]	Warrant Craved
		To detain the said (name) at (state address) for enquiry till the day of , 19 , at (state hour) *or* To remove the said (name) to (state address) for enquiry till the day of , 19 , at (state hour).

All in terms of the above Act.

The Petitioner therefore craves the Court to grant Warrant as above set forth.

According to Justice,

[Signature and Designation of Petitioner.]

(Court and Place) 19 .

In presence of

of His Majesty's Justices of the Peace for the County of ( ).

The Court having considered the foregoing Petition granted Warrant to detain at the place of safety as craved.

(Court and Place) 19 .

In presence of

of His Majesty's Justices of the Peace for the County of ( ).

The Court having considered the foregoing Petition granted Warrant to remove to the said place of safety as craved.

Clerk of Court.

FORM B (1)

Notice to parent [or guardian] for attendance at Court in case of child [or young person]: (offence)

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

To (name and address of parent [or guardian]).

Intimation is hereby given to you that your is charged with the offence of (state offence) and is to be brought before the (court and place) on the day of , 19 , at (state hour). And you, , are hereby required to attend at said Court at that diet and at all subsequent stages of the proceedings.

Served this day of , 19 , by me,

[Signature of Officer serving.]

FORM B (2)

Notice to Probation Officer. (*Act of* 1937, *S.* 43 ; *Act of* 1949 *S.* 77 *and* 11*th Schedule.*)

To (Probation Officer).

(Address and Date.)

Take Notice that a Complaint at the instance of Procurator Fiscal (Prosecutor) against (name) of (state address) (state offence) has to-day been served on him requiring him to appear in the Juvenile Court here on , 19 , at (state hour):

This Notice is given in terms of Section 43 of the Children and Young Persons (Scotland) Act, 1937, and Section 77 and the Eleventh Schedule of the Criminal Justice (Scotland) Act, 1949.

[A copy of the Particulars furnished to me by the Police Officer in charge is enclosed.]

[Signature of Chief Officer of Police.]

FORM B (3)

Notice to Local Authority. (*Act of* 1937, *S.* 43 ; *Act of* 1949, *S.* 77 *and* 11*th Schedule.*)

To (Local Authority).

(Address and Date.)

Take Notice that a Petition at my instance against (name) of (state address) (state ground of Petition) has to-day been served on him requiring him to appear in the Juvenile Court here on , 19 , at (state hour):

This Notice is given in terms of Section 43 of the Children and Young Persons (Scotland) Act, 1937 and Section 77 and the Eleventh Schedule of the Criminal Justice (Scotland) Act, 1949.

[Signature of Petitioner.]

FORM C (1)

Certificate of Officer of Police of unfitness of Child [or young person] to be committed to Remand Home

( ) Police Office (Place). 19 .

In the case of (name) a child under the age of fourteen years [*or* a young person under the age of seventeen years], who is in custody on a charge of (state offence)

I, (name and rank) of Police, in charge of the Police Office (place), for the time being, having enquired into the case, do hereby in terms of the Children and Young Persons (Scotland) Act, 1937, Section 40, certify*

[Signature of Officer.]

* (Insert reason applicable.)
(*a*) that it is impracticable to detain him/her in a Remand Home.
(*b*) that he/she is of so unruly a character that he/she cannot be safely detained in a Remand Home.
(*c*) that, by reason of his/her state of health or of his/her mental or bodily condition, it is inadvisable to detain him/her in a Remand Home.

FORM C (2)

Court's Certificate of unfitness of young person to be committed to Remand Home, with relative Order of commitment to Prison (or Remand Centre)

Under the Summary Jurisdiction (Scotland) Act, 1908 and the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In the presence of of His Majesty's Justices of the Peace for the County of ( ).

In the case of (name) being a young person under the age of seventeen years who is in custody on a charge of (state charge), the Court certifies in terms of (a) Section 41 (1) of the Children and Young Persons (Scotland) Act, 1937, that the said (name) is of so unruly a character that he/she cannot safely be detained in a Remand Home [or is of so depraved a character that he/she is not a fit person to be detained in a Remand Home] and accordingly commits the said (name) to the (b) Prison of ,* till the day of at (state hour).

Judge.

* On remand for further enquiry [or for trial].

On coming into operation of Section 28 of the Act of 1949 substitute :

(a) " *Section 28 (1) of the Criminal Justice (Scotland) Act, 1949* ".

(b) (*If Remand Centre available*) " *Remand Centre at . . .* ".

FORM C (3)

Court's Certificate of unfitness for further detention of young person in a Remand Home with (1) *Order revoking commitment to Remand Home, and* (2) *Order of Commitment to Prison (or Remand Centre)*

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In the presence of of His Majesty's Justices of the Peace for the County of ( ).

In the case of (name) being a young person under the age of seventeen years, who is at present detained in a Remand Home (state address) on a charge of (state charge), the court certifies in term of (a) Section 41 (2) of the Children and Young Persons (Scotland) Act, 1937 that the said (name) is of so unruly a character that he/she cannot safely be detained in a Remand Home [or is of so depraved a character that he/she is not a fit person to be detained in a Remand Home], and hereby revokes the Order committing him/her to said Remand Home, and accordingly commits the said (name) to the (b) Prison of ,* till the day of , at (state hour).

Judge.

* On remand for further enquiry [or for trial].

On coming into operation of Section 28 of the Act of 1949 substitute :

(a) " *Section 28 (4) of the Criminal Justice (Scotland) Act, 1949* ".

(b) (*If Remand Centre available*) " *Remand Centre at . . .* ".

FORM D (1)

Complaint in case of child [or young person]—Offence

Under the Summary Jurisdiction (Scotland) Act, 1908 and the Children and Young Persons (Scotland) Act, 1937

In the Court of .

The Complaint of Procurator Fiscal [*or* Prosecutor].

A. B., a child under the age of fourteen years [*or* a young person under the age of seventeen years] of (state address).

You are charged at the instance of the Complainer that (state offence).

Procurator Fisal [*or* Prosecutor].

FORM D (2)

Assignment of Diet

(Place) 19 .

The Court assigned 19 , at (state hour) within the (name) Court at (state place) as a diet in this case.

Clerk of Court.

FORM D (3)

Warrant to Apprehend

(Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

The Court grants warrant to apprehend the said Accused (name).

or

(Court and Place) 19 .

The Court, in respect that the Accused (name) ha failed to appear to answer to the foregoing Complaint, after having been duly cited to this diet, grants warrant to apprehend the said Accused (name).

Judge.

FORM D (4)

Adjournments

(Court and Place) 19 .

The Court adjourned the diet until 19 , at (state hour), and meantime granted warrant to detain the Accused in custody in the Remand Home at (state address) until that time.

or

(Court and Place) 19 .

The Court adjourned the diet until 19 , at (state hour), and ordained the Accused then to appear.

Clerk of Court.

Note.—*Where bail allowed or where Accused already on bail see form* A (1).

FORM D (5)

Bail

(Court and Place) 19 .

The Court fixed the sum of (state amount) as security for the appearance of the Accused (name) at all diets of Court.

Clerk of Court.

FORM D (6)

Plea. Fine; committal to Remand Home, Admonition, etc.

(Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

Compeared the Accused (name) and having pled Guilty [*or*, having been found Guilty], the Court

(*a*) fined the accused in the sum of (state amount) and in default of immediate payment days' detention in the Remand Home at (state address): (a)

(*b*) fined the Accused in the sum of (state amount) and in default of payment within days from this date, days' detention in the Remand Home at (state address):

*(*c*) fined the Accused in the sum of (state amount) and in default of payment within days from this date, days' detention in the Remand Home at (state address): Further, the Court ordered that the Accused be placed under the supervision of , Probation Officer, during the above period, or until payment of said fine:

(*d*) Ordained the Accused to find Caution for good behaviour for months from this date, or days' detention in the Remand Home at (state address):

(*e*) Committed the Accused to the Remand Home at (state address) for days from this date:

†(*f*) Committed the Accused to the Detention Centre at (state address) for days from this date:

(*g*) fined the Accused in the sum of (state amount), and in terms of the Children and Young Persons (Scotland) Act, 1937, Section 59, ordered his/her parent [or guardian] (name) of (state address) to pay said fine, and, in default of immediate payment, sentenced the said (name) to days' imprisonment. (a).

(*h*) Admonished and dismissed the Accused:

(*i*) fined the Accused in the sum of (state amount) and in terms of The Summary Jurisdiction (Scotland) Act, 1908, section 52, directed that expenses amounting to (state amount) be met out of the penalty:

(*j*) deferred the Finding and Order of Court till 19 , at (state hour) and ordained the Accused then to appear:

[*or* granted warrant to detain the Accused in custody in the Remand Home at (state address) till then].

or

Compeared the Accused, and the Court being satisfied that he committed the offence charged, discharged him absolutely, in terms of the Criminal Justice (Scotland) Act, 1949, Section 1.

Clerk of Court.

* Applies only between ages of 16 and 17, see Criminal Justice Administration Act, 1914, sec. 42 (2) (c).

† Applicable on the coming into operation of Sec. 19 of the Act of 1949, if detention centre is available, and in the case of a young person only.

(a) *Where time to pay fine not allowed add "Time was not allowed for payment in respect" (state reason for refusal).*

Desertion of Diet

(Court and Place) 19 . The Court, on the motion of the Prosecutor, deserted the diet against the Accused *pro loco et tempore*: [*or simpliciter*].

Clerk of Court.

FORM D (7)

Forfeiture of Bail

(Court and Place) 19 .

The Court, in respect of the failure of the Accused (name) to attend this diet, on the motion of the Prosecutor, declared the Bail of deposited as security for appearance to be forfeited.

Clerk of Court.

FORM D (8)

Approved School Order—Offence—Contribution Order, etc.

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

In the Court of (name) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

Approved School Order in the Complaint at the instance of (Name and designation of Prosecutor)

against

(Name of child or young person) of (state address).

The Court, in respect that the said (name) who is a child under the age of fourteen years [*or* a young person under the age of seventeen years], (having been born, so far as has been ascertained, on the day of 19), and who resides in the area of the Education Authority of (name) [*or* as the circumstances may be under section 74 (2) of the Children and Young Persons (Scotland) Act, 1937], has been found guilty of [*or* has pleaded guilty to] the offence of (state offence), which is punishable in the case of an adult with imprisonment, Ordered the said (name) whose religious persuasion appears to be , to be sent to an Approved School, viz.: to (name School) forthwith: [*or* on the day of 19], [*or* to such Approved School and on such date as shall hereafter be specified by endorsement hereon] *Further, the Court Ordered that the Education Authority of (name) [*or* the Probation Officer]: [*or* the police authority (name authority)] shall be responsible for conveying the said (name) to said Approved School:

*(May be deleted where Order is not to take effect immediately or on a date stated).

And it is further Ordered that (name) residing (1) at (state address) being the parent [*or* person liable to make contributions in respect] of said (name) shall pay to the Education Authority within whose area he/she is for the time being residing, the sum of weekly until the said (name) ceases to be under the care(2) of the Managers of an Approved School but only so long as the said (name) has not attained the age of sixteen years:

[And it is further Ordered that until the said (name) is sent to an Approved School in pursuance of this Order, he/she be committed to custody in the Remand Home(3) at (state address), [*or* to a fit person, who is willing to undertake the care of him/her, viz.: (state name) residing at (state address)].]

Clerk of Court.

Notes.—(1) Take notice that you are required, under a penalty of two pounds, to give notice forthwith to the Education Authority of (name), of any change of address.

Clerk of Court.

(2) No contributions are payable under an Order in respect of any period during which the said (name) is out on licence, or under supervision from an Approved School.

(3) *See* Act of 1937, sec. 73 (2) as to duration of interim Order.

Endorsement

In the (Court and Place). 19 .

It is hereby Ordered that the said (name) be sent to (name School) being an Approved School, forthwith, [*or* on the day of 19], and that the Education Authority of (name), [*or* the Probation Officer] [*or* the police authority (name authority)], shall be responsible for conveying the said (name) to said Approved School.

Clerk of Court.

FORM D (9)

Committal to fit person: Offence—Contribution Order, etc.

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

(Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ). Committal Order in the Complaint at the instance

(Name and designation of Prosecutor)

against

(Name of child or young person) of (state address).

The Court, in respect that the said (name), who is a child under the age of fourteen years [*or* a young person under the age of seventeen years], (having been born, so far as has been ascertained, on the day of 19), has been found guilty of [*or* has pleaded guilty to] the offence of (state offence) which is punishable in the case of an adult with imprisonment, Ordered the said (name) whose religious persuasion appears to be , to be committed, until he/she attains the age of eighteen years, to the care(1) of of , who is a fit person and willing to undertake the care of him/her [and who is of the same religious persuasion] [*or* who has given an undertaking that the said (name) will be brought up in accordance with the religious persuasion of the said (name of child or young person)] [*or* to the care of the (name of Local Authority)]

And it is further Ordered that residing(2) at being the parent [*or* person liable to make contributions in respect] of the said (name) shall pay a weekly sum of (state amount) to the said (name of fit person) [* *or* the (name of Local Authority) within whose area the said (name of person liable in payment of contributions) is for the time

* Act of 1937, S. 90 (3) and S. 91 (4). and Children Act 1948, 3rd. sched.

* Delete where fit person is a Local Authority.

being resident, [* to be paid over to said (name of fit person) to be applied by him/her in or towards the maintenance, or otherwise for the benefit, of the said (name of child or young person)]] for so long as this Order shall remain in force.

Clerk of Court.

Notes.—(1) The person to whose care the child [*or* young person] is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his/her maintenance, as if he/she were his/her parent, and the said child [*or* young person] shall continue in his/her care notwithstanding any claim by a parent or any other person.

(2) Take notice that you are required, under a penalty of two pounds, to give notice forthwith to said fit person [*or where fit person is a local authority,* (name of Local Authority)] of any change of address.

FORM D (10)

Probation Order, etc

Under The Criminal Justice (Scotland) Act, 1949

(Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

The Court, being satisfied that the accused (name and address of child [*or* young person]) has committed the offence(s) of (state offence or offences), and being of the opinion having regard to the circumstances, including the nature of the offence and the character of the said (name of child [or young person]) it is expedient to make a probation order under the Criminal Justice (Scotland) Act 1949 containing the undernoted requirements, and the said (name of child [*or* young person]) who resides [*or* is to reside] in the probation area having expressed his willingness to comply with the said requirements, therefore orders that the said (name of child [or young person]) be under the supervision of probation officer of the said probation area of [or under the supervision of a probation officer to be nominated by the court in the said probation area] for a period of months from the date hereof and that the said (name of child [or young person]) shall comply with the following requirements namely—

(1) To be of good behaviour.

(2) To conform to the directions of the probation officer as to conduct.

(3) (*Here insert any additional requirements.*)

Clerk of Court.

(Court and Place) 19 .

In presence of Judge.

Compeared Probation Officer within designed, who, being solemnly sworn and examined, depones that the said has failed to comply with the requirement(s) numbered of the probation order in respect that

(State circumstances)

All which is truth, as the deponent shall answer to God.

Probation Officer.

Judge.

Warrant to Summon

Eo Die:

The Court granted warrant to officers of law to summon the said to appear for Finding and Order of Court on the foregoing information and Complaint on the day of . 19 , at (state hour) in the (Court and Place).

Clerk of Court.

Warrant to Apprehend

Eo Die:

The Court grants warrant to apprehend the said

Judge.

Finding and Order of Court

(Court and Place) 19 .

Judge.

Compeared the said .

The Court having made enquiry, and being satisfied that the said h failed to comply with the requirement(s) numbered of the probation order

(State Finding and Order of Court under sec. 5 (2) of the Act of 1949.)

Clerk of Court.

FORM D (11)

Copy of Probation Order for child [or *young person*] (*Act of* 1949. *S.* 2 (8).)

Under the Criminal Justice (Scotland) Act, 1949

(Court and Place) 19 .

To

Take Notice that upon your appearance this day before the above Court on a charge of (state offence)
the Court made the following order:

[copy of probation order as in Form D 10]

Clerk of Court.

FORM D (12)

Notice to child (or young person) of failure to comply with requirements of Probation Order or Supervision Order

(Court, place) 19 .

To

Take notice with reference to [*the accompanying citation requiring] your appearance before the above Court on (date) [*or* this date] that Probation Officer (or the person) under whose supervision you *have been / were placed by virtue of a *Probation / Supervision Order made by this court (*or*, other court (name)) dated has given information on oath that you have failed to comply with the requirements of the said Order, in particular the requirements numbered therein in respect that (particulars as in oath) and your said appearance is necessary in order that the Court may enquire into and determine the matter and consider what further order, if any, should be made.

* Delete as necessary.

*Prosecutor.

Petitioner or Supervisor.

FORM D (13)

Approved School Order following on failure to comply with Requirements of Probation Order (Act of 1937. S. 61 (1); Act of 1949. S. 5 (2).)

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

Approved School Order in the Complaint at the instance of

(Name and designation of Prosecutor)

against

(name of child or young person) of (state address).

The Court, in respect that the said (name), who is a child under the age of fourteen years [or a young person under the age of seventeen years], (having been born, so far as has been ascertained, on the day of 19), and who resides in the area of the Education Authority of (name) [or as the circumstances may be under section 74 (2) of the Children and Young Persons (Scotland) Act, 1937], is the probationer named in a probation order made by the court of on the day of , 19 , and in respect further that he/she has failed to comply with the requirements of the said order, in particular the requirements numbered therein, and has been found guilty of the offence for which the said order was made, viz. (state offence), which is an offence punishable in the case of an adult with imprisonment, Ordered the said (name), whose religious persuasion appears to be , to be sent to an Approved School, viz.: to (name school) forthwith:

(Adapt Form D 8 to suit the circumstances)

Clerk of Court.

FORM D (14)

Order amending probation order upon a change of residence by probationer (Act of 1949. 2nd Sched.)

Under the Criminal Justice (Scotland) Act, 1949

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

The Court on the application of the Probation Officer and in respect it is stated that the said is now resident at

Ordered that the said be under the supervision of a Probation Officer to be nominated by the Court in the said Probation Area for the remainder of the period of Probation.

Clerk of Court.

FORM E (1)

Petition—Care or Protection: (Act of 1937. *S.* 66)

Under the Children and Young Persons (Scotland) Act, 1937

The Petition of

In the (Court and Place)

Humbly sheweth:—

That (name) of (state address) who is a child under the age of fourteen years [*or* a young person under the age of seventeen years] (having been born so far as has been ascertained on the day of , 19), and who resides within the area of the said [name of Local Authority], is in need of care or protection in respect that

and that it is expedient that the said (name) should be sent to an Approved School or otherwise dealt with in accordance with the terms of Section 66 (2) of The Children and Young Persons (Scotland) Act, 1937.

The Petitioner therefore craves the Court to enquire into the facts herein alleged, and if satisfied of the truth of same and that it is expedient that the said (name) should be dealt with under the said Act, to order the said (name) to be sent to an Approved School or to do otherwise in the circumstances as to the Court shall seem just.

According to Justice,

Petitioner.

FORM E (2)

Notice to parent [or guardian] for attendance at Court in case of child [or young person]: (Petition)

Under the Children and Young Persons (Scotland) Act, 1937

To (name and address of parent [or guardian]).

Intimation is hereby given to you in terms of section 42 of the Children and Young Persons (Scotland) Act, 1937, that (name) your is to be brought before the (Court and place) on the day of , 19 , at (state hour) on the ground that (state the ground of application): And you (name of parent [or guardian]) are hereby required to attend said Court at that diet and at all subsequent stages of the proceedings.

Served this day of , 19 , by me,

[Signature and designation of Officer serving.]

FORM E (3)

Approved School Order—Care or Protection (Act of 1937. *S.* 66)

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

Approved School Order in the Petition at the instance of (name and designation)
against
(Name of child or young person) of (state address).

The Court, in respect that the said (name) who is a child under the age of fourteen years [*or* a young person under the age of seventeen

years], (having been born, so far as has been ascertained, on the day of , 19), and who resides in the area of the Education Authority of (name) [*or* as the circumstances may be under section 74 (2) of the Children and Young Persons (Scotland) Act, 1937], has been brought before the Court as being in need of care or protection, viz.: as being a child [*or* young person] who [*or* in respect of whom] (insert description in terms of section 65 of the Children and Young Persons (Scotland) Act, 1937): And the Court being satisfied that the child [*or* young person] comes within the description aforesaid, and is in need of care or protection, Ordered the said (name) whose religious persuasion appears to be to be sent to an Approved School, viz.: to (name School) forthwith:
[*or* on the day of 19],
[*or* to such Approved School and on such date as shall hereafter be specified by endorsement hereon]:

* Further, the Court Ordered that the Education Authority of (name) [*or* the Probation Officer] [*or* the police authority (name authority)] shall be responsible for conveying the said (name) to said Approved School:

* (May be deleted where Order is not to take effect immediately or on a date stated).

And it is further Ordered that (name) residing(1) at (state address) being the parent [*or* person liable to make contributions in respect] of said (name) shall pay to the Education Authority of (name) the sum of weekly until the said (name) ceases to be under the care(2) of the Managers of an Approved School but only so long as the said (name) has not attained the age of sixteen years:

[And it is futher Ordered that until the said (name) is sent to an Approved School in pursuance of this Order, he/she be committed to custody in a place of safety(3) at [*or* to the custody of a fit person, who is willing to undertake the care of him/her, viz.: (state name) residing at (state address)]].

[The Court adjudged that this Order is made by reason of the commission of an offence under Section 21 of the said Act.]

Clerk of Court.

Notes.—(1) Take notice that you are required, under a penalty of two pounds, to give notice forthwith to the Education Authority of (name) of any change of address.

Clerk of Court.

(2) No contributions are payable under an Order in respect of any period during which the said (name) is out on licence, or under supervision from an Approved School.

(3) "Place of Safety" includes *inter alia* "Remand Home," Act of 1937, s. 110 (1). See section 73 (2) of the Act of 1937 as to duration of *interim* Order.

Endorsement

In the (Court and Place) 19 .

It is hereby ordered that the said (name) be sent to (name School) being an Approved School forthwith, [*or* on the day of 19], and that the Education Authority of (name), [*or* the Probation Officer] [*or* the police authority (name authority)], shall be responsible for conveying the said (name) to said Approved School.

Clerk of Court.

FORM E (4)

Committal to fit person—Care or Protection (Act of 1937. *S.* 66)

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .
In presence of of His Majesty's Justices
of the Peace for the County of ( ).
Committal Order in the Petition at the instance of (name and designation)
against
(Name of child or young person) of (state address).

The Court, in respect that the said (name) who is a child under the age of fourteen years, [*or* a young person under the age of seventeen years], (having been born, so far as has been ascertained, on the day of , 19), has this day been brought before the Court as being in need of care or protection, viz.: as being a child [*or* young person] who [*or* in respect of whom] (insert description in terms of the Children and Young Persons (Scotland) Act, 1937, section 65); and the Court being satisfied that the said child [*or* young person] comes within the description aforesaid, and is in need of care or protection, Ordered the said (name) whose religious persuasion appears to be , to be committed, until he/she attains the age of eighteen years, to the care(1) of of who is a fit person and willing to undertake the care of him/her and [who is of the same religious persuasion as the said child [*or* young person]] [*or* who has given an undertaking that the said child [or young person] will be brought up in accordance with the religious persuasion of the said child [*or* young person]] [*or* to the care of (name of Local Authority)].

And it is further Ordered that residing(2) at being the parent [*or* person liable to make contributions in respect] of the said (name) shall pay a weekly sum of (state amount) to the said (name of fit person) [* *or* the (name of Local Authority) within whose area the said (name of person liable in payment of contributions) is for the time being resident, [† to be paid over to the said (name of fit person) to be applied by him/her in or towards the maintenance, or otherwise for the benefit, of the said (name of child or young person)]] for so long as this Order shall remain in force [and further Ordered the said (name) to be placed under the supervision of (name) Probation Officer [*or* (name) of (state address) a person appointed for that purpose by the Court] for a period of].

*Act of 1937, S. 90 (3) and S. 91 (4), and Children Act, 1948, 3rd sched.

† Delete where fit person is Local Authority.

Clerk of Court.

Notes.—(1) The person to whose care the child [or young person] is committed shall, whilst the Order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his/her maintenance, as if he/she were his/her parent, and the said child [*or* young person] shall continue in his/her care notwithstanding any claim by a parent or any other person.

(2) Take notice that you are required, under a penalty of two pounds, to give notice forthwith to said fit person [*or where fit person is a local authority* (name of Local Authority)] of any change of address.

Clerk of Court.

FORM E (5)

Supervision Order—Care or Protection (*Act of* 1937. *S.* 66. *Act of* 1949. *S.* 72 (1))

Under the Children and Young Persons (Scotland) Act, 1937 and the Criminal Justice (Scotland) Act, 1949

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

The Court, in respect that (name) residing at (state address) who is a child under the age of fourteen years [*or* a young person under the age of seventeen years] (having been born, so far as has been ascertained on the day of , 19), was this day brought before the Court as being in need of care or protection, viz.: as being a child [*or* young person] who [*or* in respect of whom] (state description in terms of section 65 of the Children and Young Persons (Scotland) Act, 1937):

And the Court being satisfied that the said (name) comes within the description aforesaid, and is in need of care or protection, and being further satisfied that it is expedient to make in respect of the said child [*or* young person] a supervision order under Part IV of the Children and Young Persons (Scotland) Act, 1937 [containing the undernoted requirements, the said child [*or* young person] having expressed his willingness to comply with the said requirements] therefore orders that the said (name) be placed under the supervision of (name) Probation Officer [*or* a person appointed for that purpose by the Court] for a period of from the date hereof [and that the said (name) shall comply with the following requirements, namely—

1.

2. etc.].

Clerk of Court.

FORM E (6)

Supervision Order following on Application by parent [*or guardian*] (*Act of* 1937. *S.* 68; *Act of* 1949. *S.* 72 (1)) (a)

Under the Children and Young Persons (Scotland) Act, 1937 and the Criminal Justice (Scotland) Act, 1949

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

It having been proved to the Court that A.B. of (state address) the parent [*or* guardian] of (name) of (state address) who is a child under the age of fourteen years [*or* a young person under the age of seventeen years] having been born, so far as has been ascertained on the day of , 19), is unable to control the said child [*or* young person], and the Court being satisfied that it is expedient to make in respect of the said child [*or* young person] a Supervision Order under Part IV of the Children and Young Persons (Scotland) Act, 1937 [containing the under-noted requirements, with which requirements the said child [*or* young person] has expressed his willingness to comply], and that the parent [*or* guardian] understands the result which will follow from, and consents to, the making of such Order, therefore orders that the said child [*or* young person] be placed under the supervision of Probation Officer [*or* (name) of (state address) a person appointed by the Court for that purpose] for a period of from the date hereof [and that the said (name) shall comply with the following requirements, namely—

1.

2. etc.].

Clerk of Court.

(a) Note.—*For form of Petition by parent or guardian, adapt Form E* (1).

FORM E (7)

Supervision Order: Notice to child [or young person]

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

To

(name) a child under the age of fourteen years [*or* a young person under the age of seventeen years] of (state address).

The Court has made an Order placing you under the supervision of Probation Officer [*or* of a person appointed by the Court] for a period of [and has included in the said Order the following requirements, namely—

1.
2.].

The effect of this Order is that the said Probation Officer [*or* person appointed] will visit you from time to time, will advise you, [and, if necessary, try to find you suitable work]. He/she will be a friend to you, and if he/she thinks it necessary in your own interests, [*or* if you fail to comply with any of the said requirements] while this Order is still in force and you are under the age of seventeen years, he/she may bring you before (state Court), and the Court may, if it thinks it is best in your interests, send you to an Approved School, or commit you to the care of a fit person, whether a relative or not, who is willing to undertake the care of you.

Clerk of Court.

FORM E (8)

Approved School Order following on Application by parent [or guardian] (Act of 1937. S. 68)(a)

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

It having been proved to the Court that (name) of (state address) the parent [*or* guardian] of (name) of (state address) who is a child under the age of fourteen years [*or* a young person under the age of seventeen years] (having been born, so far as has been ascertained on the day of 19), is unable to control the said child [*or* young person], and the Court being satisfied that it is expedient to deal with the said child [*or* young person] by making an Order committing him/her to an Approved School, and that the parent [*or* guardian] understands the results which will follow from, and consents to, the making of such Order, and that the Education Authority of (name) within whose area he/she is resident agrees, Ordered the said child [*or* young person] whose religious persuasion appears to be to be sent to an Approved School, viz.: to (name School) forthwith:

(*Adapt Form E* (3) *to suit the circumstances.*)

Clerk of Court.

(a) Note.—*For form of Petition by parent or guardian, adapt Form E* (1).

FORM E (9)

Approved School Order—Failure to attend School regularly
(*Act of* 1937. *S.* 66; *Education (Scotland) Act,* 1946. *S.* 38 (2))

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

Approved School Order in the Petition at the instance of (name and designation)

against

(Name of child or young person) of (state address).

The Court, in respect that the said (name) who is a child under the age of fourteen years, [*or* a young person under the age of seventeen years], (having been born, so far as has been ascertained on the day of , 19), and who resides in the area of the Education Authority of (name) [*or* as the circumstances may be under section 74 (2) of the Children and Young Persons (Scotland) Act, 1937] has been brought before the Court as being a child [*or* young person] not over school age in respect of whom a Direction was given under section 38 (2) of the Education (Scotland) Act, 1946 and therefore in terms of section 38 (4) of said Act deemed to be a child [*or* young person] about to be brought, or brought, before a Juvenile Court under Section 66 of the Children and Young Persons (Scotland) Act, 1937: And the Court being satisfied that the said (name) comes under the description aforesaid, and that it is necessary to do so for the purpose of securing his/her regular attendance at school, Ordered the said (name), whose religious persuasion appears to be , to be sent to an Approved School, viz.: to (name School) forthwith:

(*Adapt Form E* (3) *to suit the circumstances.*)

Clerk of Court.

FORM F (1)

Interim Order: detention in a place of safety, or committal to a fit person
(*Act of* 1937. *S.* 71 (2))

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

In respect that (name) a child under the age of fourteen years [*or* a young person under the age of seventeen years], who has been taken to [*or* who has taken refuge in] a place of safety(a) at (state address) has been brought before the (name) Court on the ground that (state reason): And the Court is not in a position to decide whether any, and, if so, what Order ought to be made, and has adjourned the diet until the day of , 19 , at (state hour): It is hereby Ordered that the said child [*or* young person] be detained in said place of safety [*or* be committed to the care of of (state address) a fit person who is willing to undertake the care of him/her [*or* to the care of (name of Local Authority)]] until said diet on the day of , 19 , at (state hour).

Clerk of Court.

(a) *See Note* 3 *of Form E* (3).

FORM F (2)

Notice to child [or young person] of further interim order for his detention in a place of safety, made in his absence. (Act of 1937. *S.* 71 (2); *Act of* 1949. *S.* 71 (4))

Under the Children and Young Persons (Scotland) Act, 1937

To (name) a child under the age of fourteen years [*or* a young person under the age of seventeen years] of (state address).

In the petition at the instance of (name and designation of petitioner) which was before the (Court and place) on the day of , 19 , the Court in your absence made a further Interim Order as follows:

(Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

The Court, being satisfied that the above designed [child *or* young person] was by reason of illness [*or* accident] unable to appear personally before the Court, granted warrant to extend the period of his detention in (place of safety) till the day of , 19 , and adjourned the diet until (state hour) on that day.

Clerk of Court.

Of which extended period of detention and adjournment intimation is hereby given to you on the day of , 19 , by me.

[Signature of Officer serving.]

FORM G

Approved School Order following on Application by Local Authority (as Fit Person). (Act of 1937. *S.* 88 (8); *Children Act,* 1948. *3rd Sched.*)

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

Whereas a Petition has, of this date, been presented to the Court by the (name of Local Authority) craving that (name) of , a child under the age of fourteen years [*or* a young person under the age of seventeen years] (having been born, as far as has been ascertained, on the day of , 19), who was on the day of , 19, committed to the care of said Local Authority by the (state Court making Order) should be sent to an Approved School: And the Court, after hearing the evidence in support of said Petition and being of opinion that it is desirable in the interests of said child [*or* young person] that he/she should be so sent, and that he/she was resident in the area of the Education Authority of (name), Ordered the said child [*or* young person] whose religious persuasion appears to be to be sent to an Approved School, viz. to (name School) forthwith.

(*Adapt form E* (3) *to suit the circumstances.*)

Clerk of Court

FORM H

Requirement of Residence in Institution or other Place. Notice to The Secretary of State for Scotland (Act of 1949. SS. 2 (9) and 72 (3))

The Secretary of State for Scotland,

St. Andrew's House,

Edinburgh, 1.

In terms of the Criminal Justice (Scotland) Act, 1949, section 2 (9) [*or* sections 2 (9) and 72 (3)], I hereby give you Notice that in a probation [*or* supervision] order made in the Court at , of date 19 , in the case of (name) of (state address) a child under the age of fourteen years [*or* a young person under the age of seventeen years], it was made a requirement of the order that he/she should reside in [description and address of Institution or other place]: and that the terms of the probation [*or* supervision] order were as follows:—

(State terms.)

Dated this day of , 19 .

Clerk of Court.

FORM J

Refractory child [or young person]: Notice to Education Authority (Act of 1937. S. 68)

In the (Court and Place) 19 .

To the Education Authority of (name).

Notice is hereby given that (name) of (state address), a child under the age of fourteen years [*or* a young person under the age of seventeen years] has this day been brought before the Court by (name) of (state address) his/her parent [*or* guardian] on the ground that the said parent [*or* guardian] is unable to control him/her:

And that the hearing of the case has been adjourned till the day of 19 , at (state hours) and meantime the said (name) has been committed to a place of safety(a) at (state address) [*or* to the care of of].

Clerk of Court.

Served by me this day of 19 .

(Signature of officer serving.)

(a) *See Note* 3 *of Form E* (3).

FORM K

Committal to Approved School or to Fit Person: following supervision (Act of 1937. S. 70)

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In presence of of His Majesty's Justices of the Peace for the County of ( ).

Whereas on the day of 19 , (name) of (state address), a child under the age of fourteen years [*or* a young person under the age of seventeen years], (having been born, so far as has been ascertained on the day of 19), was, pursuant to section* of the Children and Young Persons (Scotland) Act, 1937, on the day of 19 , by (state Court making order) at , placed under the supervision of , Probation Officer [*or* a person appointed by the Court for that purpose] for a period of .

* Sections 66 or 68.

And whereas said (name) has this day been brought before the Court, and the Court is satisfied that it is desirable in the interests of said child [*or* young person] [to commit him/her to the care of a fit person] [*or* to order him/her to be sent to an Approved School].

Adapt Committal Order to Fit Person E (4) *or Approved School Order E* (3) *to suit the circumstances.*

Clerk of Court.

FORM L

Committal to Fit Person : Variation or Revocation of Order
(*Act of* 1937. *SS.* 88 (6) *and* 88 (7); *Act of* 1949. *S.* 71 (2))

Under the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place) 19 .

In presence of

of His Majesty's Justices of the Peace for the County of ( ).

Whereas on the day of 19 , an Order was made by the (state Court making the Order) at , committing (name) of a child under the age of fourteen years [*or* a young person under the age of seventeen years] to the care of (name and address).

And whereas an application has been made by (state name and address) that the said Order may be varied or revoked.

After hearing the said application, the (name Court making Order) [being a Court described in section 88 (6) (*a*) or (*b*) of the Act of 1937] revoked the said Order [*or* varied the said Order as follows:

[[*or* hereby revokes the said Order, and being satisfied that it is expedient to substitute therefor a supervision order in respect of the said child (or young person) [containing the under noted requirements, the said child (or young person) having expressed his willingness to comply with the said requirements] therefore Orders that the said (name) be placed under the supervision of (name) Probation Officer [*or* a person appointed for that purpose by the Court] for a period of from the date hereof [and that the said (name) shall comply with the following requirements, namely—

1.
2. etc.]

Clerk of Court.

FORM M

Register of the Juvenile Court

Register of the Juvenile Court sitting at on 19 .

No. of Case	Name of Complainer or Petitioner	Name of Child or Young Person	Age	Nature and date of offence or ground of Petition	Plea (offence)	Finding and Order of Court

(Place) 19 .

The foregoing entries certified correct.

Clerk of Court.

FORM N

Order—Powers of Entry (Act of 1937. S. 36)

Under the Children and Young Persons (Scotland) Act, 1937

The Petition of

Humbly sheweth,

That (Education Authority Official, or Police Constable) has reasonable cause to believe that the provisions of Part III of the Children and Young Persons (Scotland) Act, 1937, or of a Byelaw made thereunder, are being contravened with respect to (state name of child or young person) at (state place) occupied by (state name) and the Petitioner is desirous of obtaining an Order in terms of said Act to empower him to enter at any reasonable time within 48 hours of the making of the Order (name place) and to make enquiries therein with respect to that person.

The Petitioner therefore craves an Order authorising the said (name of Education or Police Officer and if other Officials add names) to enter with such assistance as may be found necessary into said premises at (state place) occupied as aforesaid and to make enquiries therein with respect to (name child or young person).

According to Justice,
Petitioner.

At the day of , 19 . In presence of (state name) Justice of the Peace for (state place) Compeared the said (name and designation of Officer) who being solemnly sworn and examined depones that what is contained in the foregoing Petition is true as he shall answer to God.

Education or Police Officer.
Justice of the Peace.

(Place) the day of , 19 . The Court having considered the foregoing Petition grants the Order as craved.

Justice of the Peace.

FORM O (1)

Adoption—Petition by Husband and Wife

In the (Court and Place) , 19 .

In presence of

of His Majesty's Justices of the Peace for the County of ( ).

Petition of

(1)

for authority to adopt

(2)

residing with them there

(1) Full names designations, and address of applicants. Give full maiden name and surname of a married woman. If petitioners desire identity not to be disclosed to any party whose consent is required, design by serial numbers assigned to petitioners by Clerk of Court.

Humbly sheweth

1. The petitioners are desirous of adopting the said (2) under the provisions of the Adoption Act, 1950.

2. The petitioners are domiciled and resident in Scotland [*or* domiciled in England, but resident in Scotland]

3. The occupation of the male petitioner is

4. The petitioners were married on

5. The petitioners are respectively and years of age.

6. The petitioners have resident with them in addition to the said(2) the following persons, namely(3)

7. The petitioners are(4) related to the said(2)

as follows:—

(2) Name as in birth certificate or name by which child is ordinarily known.

(3) State relationship to petitioners, and in case of children give ages.

(4) If neither petitioner is related, insert here "not, nor is either of them," and delete "as follows."

8. The said(2) is:—

(a) of the male sex,

(b) unmarried,

(c) a child of(5)

(d) years of age, having been born on the(6) day of , 19 , at(7)

(e) resident with and has been continuously in the care and possession of the petitioners since(8)

(f) has the following tutors, curators, or guardians(9)

(g) entitled to the following property, namely(10)

9. (11)

is/are liable to contribute to the support of the said(2)

10. The said(2) has not been the subject of an Adoption Order or of a Petition for an Adoption Order(12)

11. The petitioners are prepared to undertake, if an order is made on this petition, to make for the said(2) the following provision, namely:—

12. Consents to this Petition have been obtained from the following persons, namely:—

the said(13)

(5) Give full names, occupations, and present addresses of both parents. If child is illegitimate, state whether paternity admitted.

(6) Give date of birth as in extract of entry produced. If precise date is unknown, give probable date of birth as "on or about the....., day of....."

(7) Give place, county and country of birth, so far as known. Produce and refer to Extract Birth Certificate. If child was registered under a different name than that by which now ordinarily known, add "having been registered under the name of.....".

(8) Give date when child was received into care and possession of petitioners.

(9) Full names, occupations, and addresses.

(10) Give details of any property in which the child has an interest, present or future, and any orphan's pension, death benefit allowance or payment under Workmen's Compensation Act.

(11) Full names, occupations, and addresses, adding in each case "in the County of "

(12) If any application has been previously made, add "save that" with particulars of order or petition, and, if refused, change of circumstances.

(13) Names of—
(a) a child, if a minor,
(b) the parents,
(c) tutor, curator, or guardian,
(d) persons liable to contribute to support of child.

13. The petitioners have not, nor has either of them, received or agreed to receive, and no person has made or agreed to make or give to the petitioners, or either of them, any payment or reward in consideration of the adoption of the said(2) (14)

(14) If any payment has been or is to be made, add "except that" and give details.

14. insurance on the life of the said(2) has been effected(15)

(15) If an insurance policy exists, state name of holder with details of policy and add "which is produced herewith".

15. Notification of the petitioners' intention to apply for an adoption order in respect of the said(2) was given to(16)

(16) Name and address of County Council or Town Council (large burgh) in whose area petitioners were residing.

as welfare authority for the area in which the petitioners were then residing, on(17)

(17) Date of notification.

The petitioners humbly crave the Court to dispense with intimation on the Walls of Court and to order this Petition to be served on the said(18)

(18) Add, if necessary, "dispensing with service on..... .."

and such other persons as the Court may think proper, and to appoint them to lodge Answers hereto, if so advised, within seven days(18)

and thereafter, on resuming consideration hereof, together with such Answers, if any, to pronounce an order authorising the petitioners to adopt the said(2)
in terms of the Adoption Act, 1950, on such terms and conditions as the Court may think fit, and to direct the Registrar-General for Scotland to make an entry recording the said adoption in the Adopted Children Register in the form set out in the second Schedule to the said Act, giving as the Christian name[s], and(19)

(19) If child is in future to bear the petitioners' surname, insert here "the surname of the adopters, viz., ... as the surname of the said adopted child in column 1 of the Schedule".

and further, upon proof to the satisfaction of the Court in the course of the proceedings to follow hereon that the said child was born in the country of on the said day of in the year Nineteen hundred and and is identical with the said(20)
to whom an entry numbered and made on the day of in the year 19 , in the Register of Births for the(21) of in the of relates, to direct the said Registrar-General(22) to cause such birth entry to be marked with the word "adopted" and [*or where the child has previously been the subject of an adoption order in Scotland,* and further, upon proof to the satisfaction of the Court in the course of the proceedings to follow hereon that the said child was born in the country of on the said day of in the year nineteen hundred and and has previously been the subject of an adoption order made by a Court in Scotland, to direct the said Registrar-General to cause the previous entry in the Adopted Children Register numbered(23) and dated(23) relating to the said child, to be marked with the word "re-adopted" and] to include the above-mentioned country and date of birth in the entry recording the adoption [*or where the precise date of birth is not known,* and further, to determine the country and probable date of birth of the said child and to direct the said Registrar-General to include such country and date as the country and date of birth of the said child respectively, in the entry recording the adoption,] in the manner indicated by the said Act and to pronounce such other or further orders or directions upon such matters, as the Court may think fit.

(20) Full name of child as in extract entry of birth.

(21) Define the registration district as in extract of entry of birth.

(22) If the birth was not registered in Scotland, delete the words from "to cause" to "adopted and".

(23) Number and date of previous entry in Adopted Children Register.

(24) To be signed by Petitioners or by a Law Agent who will add designation and business address.

(24)

Warrant of Service

19 .—The Court, having considered the foregoing Petition, with the production[s], Dispenses with the intimation on the Walls of Court; Appoints copies of the Petition and of this Deliverance to be served on

Alter and delete as may be necessary.

referred to in the Petition, and Appoints them to lodge Answers, if so advised, with the Clerk of Court at within seven days after service; Defers in the meantime consideration of the question of service on and of consent[s] by ; further, Appoints

to be curator *ad litem* to the child referred to in the Petition for the purpose of investigating and reporting to the Court in terms of the Act and Acts of Sederunt.

For note of Acts of Sederunt, see Rule 5.

Judge.

Execution of Service

Sheriff Officer or enrolled Law Agent.

19 .—I, do hereby certify that upon the day of 19 , I duly cited

Set forth mode of service.

to answer to the foregoing Petition. This I did by

Officer or Law Agent.

(Witness, if by officer and not by post.)

Oath of Curator ad litem

19 .—Compeared the said who accepted office and gave his/her oath *de fideli administratione officii.*

Space for further proceedings found necessary; assigning a diet, &c.

Interim Order

19 .—The Court postpones the determination of the Petition to a date to be afterwards fixed, and gives the petitioners the custody of the child in question from this date until 19 , by way of a probationary period and that on the following terms:—

Delete if no terms imposed.

Order Dispensing with Consents, Sanctioning Payments, specifying Conditions and for Expenses

19 .—The Court, having considered the Petition, productions, and Report by the curator *ad litem*, and heard

Dispenses with the consent of

Holds it proved that the child in question was born in the country of on and is identical with the said to whom an entry numbered and made on in the Register of Births for the of in the relates [*or*, Holds it proved that

the child in question was born in the country of on and has previously been the subject of an adoption order in Scotland under which an entry was made in the Adopted Children Register numbered and dated] [*or* Holds the precise date of birth of the said child not proved but determines the probable date of birth of the said child as and the country of birth as]; Sanctions the payment to the petitioners referred to in the Petition in consideration of the adoption; Requires the petitioner, as a condition of granting an Adoption Order, to make the following provision for the child, viz.:—

;

Orders the petitioners to pay the following expenses, viz.:

Grants decree against the petitioners jointly and severally for payment of these sums.

Judge.

Adoption Order

19 .—The Court Authorises the petitioners to adopt the male child Names and surnames as in Petition.

who was born in the country of on and is identical with Insert name to whom an entry numbered and made on in the Register of Births for the of in the of relates [*or* who was born in the country of on and has previously been the subject of an adoption order in Scotland under which an entry was made in the Adopted Children Register numbered and dated] [*or*, whose Country and date of birth have been determined to be respectively] in terms of the Adoption Act, 1950; Directs the Registrar-General for Scotland to make an entry recording the Adoption now authorised in the Adopted Children Register in the form set out in the Second Schedule to the said Act, giving as the christian name[s], and the surname of the Adopter[s], viz.:
as the surname of the said adopted child in column 1 of the said Schedule, and to include the above-mentioned country and date of birth in the entry recording the adoption in the manner indicated by the said Act; and Directs the said Registrar-General to cause the entry of the birth of said child in the Register of Births to be marked with the word "Adopted" [*or*, to cause the said previous entry in the Adopted Children Register numbered and dated relating to the said child, to be marked with the word "Re-adopted".]

Judge.

Note: The above Petition, etc., may be adapted to the case of an individual petitioner or one spouse petitioning with the consent of the other.

FORM O (2)

Service Copy Petition (Husband and Wife)

Note.—Use the Adoption Petition Form O (1) down to and including Warrant of Service and add the following to Warrant of Service:—

If posted, and if necessary, add—"The "induciæ is "reckoned from "twenty-four "hours after "date of "posting."

To

referred to in the foregoing Petition. You are hereby served with the foregoing Petition and Warrant and required to answer thereto, conform to the said Warrant.

To be signed by Sheriff Officer or by petitioners' Law Agent, who will add his designation and business address.

Remainder of Form O (1), i.e. after Warrant of Service, not necessary.

FORM O (3)

Certified Copy Adoption Order

[This form to be left blank for official purposes]

In the (Court and Place) 19 .

In presence of

of His Majesty's Justices of the Peace for the County of ( ).

Under the Adoption Act, 1950.

Certified Copy Adoption Order in Petition

for authority to adopt

residing at

19 .—The Court Authorises the Petitioner[s]

to adopt the male child who was born in the country of on and is identical with to whom an entry numbered and made on in the Register of Births for the of in the of relates [*or* who was born in the country of on and has previously been the subject of an adoption order in Scotland under which an entry was made in the Adopted Children Register numbered and dated] [*or* whose country and date of birth have been determined to be respectively] in terms of The Adoption Act, 1950; Directs the Registrar-General for Scotland to make an entry recording the Adoption now authorised in the Adopted Children Register in the form set out in the Second Schedule to the said Act, giving as the christian name[s], and the surname of the Adopter[s], viz.:
as the surname of the said adopted child in column 1 of the said Schedule and to include the above-mentioned country and date of birth in the entry recording the adoption in the manner indicated by the said Act; and Directs the said Registrar-General to cause the entry of the birth of said child in the Registrar of Births to be marked with the word "Adopted" [*or*, to cause the said previous entry in the Adopted Children Register numbered and dated relating to the said child, to be marked with the word "Re-adopted".]

Judge.

Certified to be a true copy
by me,

Clerk of Court.

FORM O (4)

Consent relative to Adoption Petition

In the (Court and Place) 19 .

Consent relative to the Petition of(1)

for authority to adopt

(2)

residing at

I,(3)

(1) Name, &c. as in Petition. Where identity of petitioner or petitioners is not known to consenting party, refer to such by serial number, specifying year in which and the court by which such serial number was assigned.

(2) Name of child as in Petition.

(3) Full name designation, and address of person consenting.

being(4)

hereby state that I understand the nature and effect of the Adoption Order for which application is made, (5)[and (*in the case of the father or mother*) that I understand that the effect of the order will be permanently to deprive me of my parental rights]. I do not desire any further intimation of the petition proceedings nor to be heard in relation thereto. And I hereby consent to the making of an Adoption Order in favour of the Petitioner(s).

In witness whereof I have signed this consent on the day of , nineteen hundred and at

Signature,

Signed in presence of these two witnesses(6):—

Signature,

Occupation,

Address,

Signature,

Occupation,

Address,

(4) Insert as may be appropriate (*a*) the said child (if a minor); (*b*) father of said child; (*c*) mother of said child; (*d*) tutor, curator, or guardian of said child; (*e*) a person liable to contribute to the support of said child; (*f*) the spouse of the petitioner.

(5) Delete if not applicable from "and" down to "rights".

(6) May instead be signed before a Sheriff or Justice of the Peace, and in the case of the mother of the child *must* be so signed.

FORM P (1)

Remit to another Court, with Intimation thereof

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

In the Court of

The Petition of (Name and designation of Prosecutor).

Humbly sheweth

That the accused person named in the following Schedule [each] being a child under the age of fourteen years [*or* a young person under the age of seventeen years], ha been detained in custody in the Remand Home at (state address) in respect of the offence charged against as follows, viz.:—

Accused	Offence Charged

The Petitioner, in respect (state reasons for craving remit(a)) and should be dealt with by another Court, craves the Court to remit the accused to

(name Court and Place), and meantime to grant Warrant to commit the Accused to the Remand Home at (state address) for examination for days, thereafter to be dealt with in due course of law.

All in terms of the above Acts.

According to Justice,

Procurator-Fiscal [*or* Prosecutor].

(Court and Place) , 19 .

In presence of
of His Majesty's Justices of the Peace for the County of ( ).

The Court, having considered the foregoing Petition, remitted the Accused to (name Court and Place), and granted Warrant as craved.

Clerk of Court.

To (name and designation of Prosecutor) of (Court and Place).

I beg to intimate to you the foregoing remit and committal to Remand Home.

Procurator-Fiscal [*or* Prosecutor].

(Court and Place) , 19 .

(a) Note.—*See Sec. 9 of the Summary Jurisdiction (Scotland) Act*, 1908.

FORM P (2)

Order remitting to Juvenile Court
(*Act of* 1937. *S.* 60)

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

In the Court of 19 .

In presence of
of His Majesty's Justices of the Peace for the County of ( ).

A. B., a child under the age of fourteen years [*or* a young person under the age of seventeen years] who resides at (place) has this day been found guilty by [*or* pled guilty before] the said Court in respect that he/she did on (date) and (place)
(state offence)

The Court thinks fit to remit the case to a Juvenile Court, and hereby Orders that the case be remitted to the Juvenile Court for the District of at , being a Juvenile Court acting for the same place as the said (name of Court remitting) [*or* acting for the same place where the said child [*or* young person] resides].

The Court further directs that the said child [*or* young person] be detained in custody in the Remand Home at until the day of 19 , at (state hour) [*or* be released upon his/her finding security in the sum of (state amount) for his/her appearance at the said Juvenile Court on (state date)].

The Court also directs that a Certified Copy of this Order be transmitted to the Clerk of the said Juvenile Court.

Judge.

FORM Q (1)

Bond of Caution by parent [or *guardian*] *to exercise proper care and guardianship over child* [or *young person*]: (*Act of* 1937. *S.* 66 (2) (*c*))

I, of (state address) being the parent [*or* guardian] of , of (state address), a child under the age of fourteen years [*or* a young person under the age of seventeen years] in terms of an Order pronounced in the Court of on the day of , 19 , do hereby bind and oblige myself to exercise proper care and guardianship over the said (name of child or young person) for the period of months from

and that under the penalty of to be paid in the event of contravention, and recovered in the manner prescribed by the Summary Jurisdiction (Scotland) Act, 1908:

In witness whereof I subscribe this bond of caution, at (name), on the day of , 19 , before these witnesses:

(Witness)

Cautioner.

(Witness)

FORM Q (2)

Bond of Caution by parent [or *guardian*] *for Good Behaviour of child* [or *young person*]: (*Act of* 1937. *S.* 59 (2))

I, of (state address) being the parent [*or* guardian] of , of (state address), a child under the age of fourteen years [*or* a young person under the age of seventeen years] in terms of an Order pronounced in the Court of on the day of , 19 , do hereby bind and oblige myself as cautioner and surety for the good behaviour of the said (name of child or young person) for the period of months from

and that under the penalty of to be paid in the event of contravention, and recovered in the manner prescribed by the Summary Jurisdiction (Scotland) Act, 1908:

In witness whereof I subscribe this bond of caution, at (name), on the day of , 19 , before these witnesses:

(Witness)

Cautioner.

(Witness)

FORM Q (3)

Undertaking by parent [or *guardian*] *as security for good behaviour of child* [or *young person*] *in respect of whom a probation order has been made*: (*Act of* 1949. *S.* 8)

I, (state address) being the parent [*or* guardian] of (state address) a child under the age of fourteen years [*or* a young person under the age of seventeen years] in respect of whom a probation order has been made in the Court of on the day of , 19 , do hereby undertake, in the event of it being proved to the satisfaction of the above-mentioned or the appropriate Court that the said has at any time during the probation period, viz., a period of from said date, committed an offence or otherwise

failed to comply with the requirement of said order to be of good behaviour, that I shall pay to the Clerk of the said Court or of the appropriate Court the sum of £ : said sum to be thereupon forfeited by me, and in the event of failure in payment to be recovered and so forfeited in like manner as caution under the provisions of the Summary Jurisdiction (Scotland) Act, 1908.

In witness whereof I subscribe this undertaking at on the day of 19 , before these witnesses:

(Witness)

(Signature of parent or guardian)

(Witness)

FORM Q (4)

Undertaking given as security for good behaviour by a young person in respect of whom a probation order has been made: (Act of 1949. *S.* 8)

I, (state address) a young person under the age of seventeen years in respect of whom a probation order has been made in the Court of on the day of 19, do hereby in compliance with the requirement thereof that I give security in the sum of £ for my good behaviour, undertake, in the event of it being proved to the satisfaction of the above-mentioned or the appropriate Court that I have at any time during the probation period, viz., a period of from said date, committed an offence or otherwise failed to comply with the requirement of said order to be of good behaviour, that I shall pay to the Clerk of the said Court by which the order has been made or of the appropriate Court the said sum of £ : said sum to be thereupon forfeited by me and in the event of failure in payment to be recovered and so forfeited in like manner as caution under the provisions of the Summary Jurisdiction (Scotland) Act, 1908.

In witness whereof this undertaking has been subscribed by me the said , and also by me* (state address) the father and as such the curator at law of the said , as evidence of my consent hereto, at on the day of 19 , before these witnesses:

* If the father is deceased, insert name of other curator, if any.

(Witness)

(Signatures of young person and of curator)

(Witness)

NOTE.—*When accused ordained to find caution for good behaviour, see the Summary Jurisdiction (Scotland) Act,* 1908, *Secs.* 7 (3) *and* 50.

FORM R

Extract.—Detention in Remand Home: Fine or Detention in Remand Home, etc.

Under the Summary Jurisdiction (Scotland) Act, 1908, and the Children and Young Persons (Scotland) Act, 1937

In the (Court and Place)

Name of Accused,

Date of Finding and Order of Court,

Offence of which guilty,

Detention in Remand Home

Finding and Order of Court: days' detention in the Remand Home at (state address).

In respect of which Finding and Order of Court, Warrant is hereby granted to Officers of Law to convey the Accused to the Remand Home at (state address) and for the detention of the Accused therein for days from the date of detention.

Clerk of Court.

Fine or Detention

Finding and Order of Court: Fined (state amount) and in default of immediate payment days' detention in the Remand Home at (state address).

In respect of which Finding and Order of Court, Warrant is hereby granted to Officers of Law to convey the Accused to the Remand Home at (state address) and for the detention of the Accused therein until said fine is paid, but not exceeding days from the date of detention.

Time was not allowed for payment in respect (state reason).

Clerk of Court.

Fine or Detention (Time allowed)

Finding and Order of Court: Fined (payable within days) or days' detention in the Remand Home at (state address).

(Place and Date.) In respect of which Finding and Order of Court, the period allowed for payment of said fine having expired and said fine not having been paid, Warrant is hereby granted to Officers of Law to convey the Accused to the Remand Home at (state address) and for the detention of the Accused therein until said fine is paid, but not exceeding days from the date of detention.

Clerk of Court.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules consist of a re-enactment of the Rules as originally enacted in 1934 and as subsequently amended in 1935 and in 1937, with the changes rendered necessary by subsequent legislation and with minor alterations in detail suggested by experience in Juvenile Courts.