
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 271

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 3) 2012**

Lodging audio or audio-visual recordings of children

- 2.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraph.
(2) After Chapter 49 (admiralty actions)(1) insert—

“CHAPTER 50

LODGING AUDIO OR AUDIO-VISUAL RECORDINGS OF CHILDREN

Interpretation

50.1. In this Chapter “child” is a person under the age of 16 on the date of commencement of the proceedings and “children” shall be construed accordingly.

Lodging an audio or audio-visual recording of a child

50.2.—(1) Where a party seeks to lodge an audio or audio-visual recording of a child as a production, such party must—

- (a) ensure that the recording is in a format that can be heard or viewed by means of equipment available in court;
- (b) place the recording together with a copy of the relevant inventory of productions in a sealed envelope marked with—
 - (i) the names of the parties to the court action;
 - (ii) the case reference number;
 - (iii) (where available) the date and time of commencement and of termination of the recording; and
 - (iv) “recording of a child – confidential”.

(2) The sealed envelope must be lodged with the sheriff clerk.

(3) In the remainder of this Chapter a “recording of a child” means any such recording lodged under this rule.

Separate inventory of productions

50.3.—(1) On each occasion that a recording of a child is lodged, a separate inventory of productions shall be lodged in process.

(2) The sheriff clerk will mark the date of receipt and the number of process on the sealed envelope containing a recording of a child.

Custody of a recording of a child

50.4.—(1) A recording of a child—

- (a) must be kept in the safe custody of the sheriff clerk;
- (b) subject to rule 50.5, will not form a borrowable part of the process.

(2) The seal of the envelope containing a recording of a child shall be broken only with the authority of the sheriff and on such conditions as the sheriff thinks fit (which conditions may relate to listening to or viewing the recording).

Access to a recording of a child

50.5.—(1) A party may lodge a written motion to gain access to and listen to or view a recording of a child.

(2) The sheriff may refuse a motion or grant it on such conditions as the sheriff thinks fit, including—

- (a) allowing only such persons as the sheriff may specify to listen to or view the recording;
- (b) specifying the location where such listening or viewing is to take place;
- (c) specifying the date and time when such listening or viewing is to take place;
- (d) allowing a copy of the recording to be made (in the same or different format) and arrangements for the safe-keeping and disposal of such copy;
- (e) arrangements for the return of the recording and re-sealing the envelope.

Incidental appeal against rulings on access to a recording of a child

50.6.—(1) Where a party is dissatisfied with the ruling of the sheriff under rule 50.5, such party may express immediately his or her formal dissatisfaction with the ruling and, with leave of the sheriff, appeal to the sheriff principal.

(2) The sheriff principal must dispose of an appeal under paragraph (1) with the least possible delay.

Exceptions

50.7.—(1) The sheriff may, on the application of a party and on cause shown, disapply the provisions of this Chapter.

(2) An application under paragraph (1) shall be made—

- (a) at the time of presenting the recording for lodging;
- (b) by letter addressed to the sheriff clerk stating the grounds on which the application is made.

Application of other rules

50.8.—(1) The following rules do not apply to a recording of a child—

- (a) rule 9A.2(2) (inspection of documents)(2);

(2) Rule 9A.2 was inserted by [S.S.I. 2004/197](#).

- (b) rule 11.6(1) (intimation of parts of process and adjustments)(**3**), in so far as it would otherwise require a party to deliver a copy of a recording of a child to every other party;
- (c) rule 29.12(1) (copy productions)(**4**).”.

(3) Rule 11.6 was amended by [S.I. 1996/2445](#).
(4) Rule 29.12 was amended by [S.S.I. 2000/239](#).