

CONVENTION OF 25 OCTOBER 1980 ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

FOREWORD TO THE COUNTRY PROFILE

This Country Profile¹ should be used by Contracting States² to assist with fulfilment of the obligations contained within Article 7 of the *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (1980 Child Abduction Convention or Convention). In particular, it is anticipated that the Country Profile will help Contracting States fulfil their obligations under Article 7(2)(e) and 7(2)(i) of the Convention, that is:

- To provide information of a general character on the law of their State in connection with the application of the Convention; and
- To keep other Central Authorities informed regarding the operation of the Convention in their State and to eliminate any obstacles to the Convention's application.

The Country Profile is intended to assist with the practical operation of the Convention. It is hoped that it will facilitate:

- a) information exchanges between Contracting States;
- b) knowledgeable service by Central Authorities under the 1980 Child Abduction Convention;
- c) cost-effective translation of the information provided by Contracting States into English, French, Spanish, and other languages as required by Contracting States; and
- d) prompt updates of the information provided.

NEWLY ACCEDING STATES:

It should be noted that the Country Profile does not replace the "Standard questionnaire for newly acceding States" (available at www.hcch.net under "Child Abduction Section" then "Questionnaires and responses"). The Standard Questionnaire provides a means for newly acceding States to describe promptly, and in brief, the measures taken in their State to ensure compliance with their Convention obligations and to ensure the effective practical operation of the Convention in their State. It thereby assists States already Party to the Convention with their decision as to whether to accept an accession. Newly acceding States are encouraged to complete this full Country Profile as soon as is practicable.

INSTRUCTIONS:

- Please mark the box which best represents the arrangements in your State:
 - Where the response requires either "Yes" or "No", please mark one box only.
 - For all other questions, it may be necessary to mark more than one box.
- Where applicable, please specify the relevant provision(s) of your domestic legislation and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

¹ This new version follows the content and structure of Info. Doc. No 2 of March 2011 for the attention of the Special Commission of June 2011 on the practical operation of the 1980 Child Abduction Convention, with some minor format changes and necessary updates (e.g., the reference to Brussels IIa has been changed to Brussels IIb and references to INCASTAT have been deleted).

² Any reference to a Contracting State in this Country Profile is a reference to a Contracting State of the 1980 Child Abduction Convention.

- Please complete a separate profile for each territorial unit if there are significant differences in the substance and operation of the laws in each.
- Please note: the information contained in the Country Profile **is of a general nature only**. The purpose of the Country Profile is to assist with the practical operation of the Convention and not to provide a comprehensive picture of the legal system of each Contracting State. Please consider this when completing the Country Profile and when using the Country Profile of other Contracting States. Please contact the relevant Central Authority for clarification or specific advice.
- Contracting States are exclusively responsible for updating the information contained in their Country Profile. However, reminders for updates will be provided by the Permanent Bureau of the Hague Conference on Private International Law (HCCH).
- Completed Country Profiles will be published on the website of the HCCH (www.hcch.net).
- The Permanent Bureau of the HCCH has prepared a number of resources which may assist States in the effective implementation and operation of the Convention, in particular Guides to Good Practice. See www.hcch.net under “Child Abduction Section” for further information in this regard.

TERMINOLOGY:

- Whilst it is acknowledged that in some Contracting States the formal applicant to a return or access application under the Convention may be a State authority (see question 10.3 b) below), please note that the term “**applicant**” is used in the Country Profile as follows:
 - a) In relation to a *return* application, the term “applicant” denotes the person, institution or other body alleging that their actually exercised rights of custody in relation to a child have been breached by the removal or retention of the child, in accordance with Article 3 of the Convention; and
 - b) In relation to an access application, the term “applicant” denotes the person, institution or other body seeking to establish and / or exercise rights of access in relation to a child under Article 21 of the Convention.
- The term “**abducting party**” or “*alleged abducting party*” in the Country Profile refers to the person, institution or other body who has, or is alleged to have, wrongfully removed or retained a child in accordance with Article 3 of the Convention.

1980 CHILD ABDUCTION CONVENTION – COUNTRY PROFILE

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1980 CHILD ABDUCTION CONVENTION

COUNTRY PROFILE

Country Name: United Kingdom

Territorial Unit (where applicable): Scotland

Last updated:

Part I: Central Authorities

1 Central Authority contact details ¹	
Provide the designation and contact details of the Central Authority to which communications may be addressed. Always check www.hcch.net then "Child Abduction Section" and "Central Authorities" for the most current contact details.	
Organisation:	Scottish Central Authority
Address:	Scottish Government G.W.15 St Andrews House Regent Road Edinburgh EH11 3DG
Territorial and personal extent of functions, if applicable:	Scotland
Telephone:	+44 (0) 131 244 0460
Fax:	
E-mail:	childabduction@gov.scot
Website:	
Contact person(s) and direct contact details (please indicate language(s) of communication):	Angela Lindsay - Senior Policy Manager Email: angela.lindsay@gov.scot Tel: +44 (0) 131 244 0460 Rachel Green - Casework Manager Email: rachel.green@gov.scot Tel: +44 (0) 131 244 0460
Preferred method of communication:	<input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (please specify):
OTHER DESIGNATED CENTRAL AUTHORITIES (IF APPLICABLE)	

¹ Please verify whether the contact details on the "Child Abduction section" of the HCCH website www.hcch.net under "Central Authorities" are up to date. If not, please e-mail the updated contact information to secretariat@hcch.net.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Please attach additional pages if there is more than one designated Central Authority in your State.

Organisation:

Address:

Territorial and personal extent of functions, if applicable:

Telephone:

Fax:

E-mail:

Website:

Contact person(s) and direct contact details (please indicate language(s) of communication):

Preferred method of communication:

Telephone

Fax

E-mail

Post

Other (*please specify*):

2 Language requirements

a) Does the Central Authority prefer applications, communications and other documents sent to them to be accompanied by a translation into the official language(s) of the State?

See Article 24

See questions 10.3 c) and 17.2 b) below regarding any translation(s) required by the court / administrative authority

Yes, for all communications, applications and other documents. Please specify the official language(s) of the State: English

Not for informal communications

No

b) Has your State made a reservation in respect of the use of French or English for communications, applications and other documents sent to the Central Authority?

See Article 42

Yes, object to English

Yes, object to French

No

3 Central Authority operations

a) What are the working days and hours of the Central Authority?

Days of the week open: Monday to Friday

Opening time: 9.00am

Closing time: 5.00pm

Shut down periods (e.g., public holidays, court closures): The Office is closed for 11.5 days per year for public holidays, including Christmas/New Year, Easter. There is an out of office message put on the mailbox to advise at the appropriate times.

b) Can assistance be accessed outside of working hours?

Yes (*please specify contact details, if different from above*):

For persons in other Convention States:

For persons in your State:

	<input checked="" type="checkbox"/> No
c) Does the Central Authority have a dedicated staff who deals <i>only</i> with 1980 Child Abduction Convention applications and related issues?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d) Please indicate the professions represented in the Central Authority: <i>Please note that some individual staff members may fall under more than one category. This question should not be interpreted as an indication of the number of staff members in the Central Authority</i>	<input checked="" type="checkbox"/> Civil servants <input type="checkbox"/> Civil servants (legal advisors) <input type="checkbox"/> Lawyers <input type="checkbox"/> Social workers <input type="checkbox"/> Mediators <input type="checkbox"/> Other (<i>please specify</i>):

Part II: Relevant legislation

4 International Child Abduction	
4.1 1980 Child Abduction Convention	
a) When did the 1980 Child Abduction Convention enter into force in your State?	Date: 1 August 1986
b) Was implementing legislation necessary for the 1980 Child Abduction Convention to enter into force in your domestic law? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> The date that the legislation entered into force: 25 July 1985 The legislative provision(s) or implementing legislation: Child Abduction and Custody Act 1985 - c.60 - https://www.legislation.gov.uk/ukpga/1985/60/introduction/enacted <input type="checkbox"/> No
c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1980 Child Abduction Convention? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> The date that the legislation or procedural rules entered into force or effect: RCS Rules - 5 September 1994 The legislative provision(s) or procedural rules: Chapter 70 of the Court of Session rules (RCS) - https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap70.pdf?sfvrsn=14 The Family Law Act 1986 - https://www.legislation.gov.uk/ukpga/1986/55/contents <input type="checkbox"/> No
4.2 Other agreements on international child abduction	
a) Is your State party to any other international agreements which relate to international child abduction?	<input type="checkbox"/> Yes: <ul style="list-style-type: none"> <input type="checkbox"/> Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019) <input type="checkbox"/> Inter-American Convention of 15 July 1989 on the International Return of Children <input type="checkbox"/> Bilateral agreements (<i>please specify</i>): <input type="checkbox"/> Non-binding memoranda of understanding (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): 1996 Hague Convention, UK-Pakistan Judicial Protocol on Children Matters, Cairo Declaration regarding children abducted between Egypt and the UK <input type="checkbox"/> No
5 1996 Child Protection Convention	
a) Is your State a Contracting State to the 1996 Child Protection Convention? <i>Refer to www.hcch.net for the status table of the 1996 Child Protection Convention</i>	<input checked="" type="checkbox"/> Yes, if so, on what date did the 1996 Child Protection Convention enter into force in your State: 1 November 2012 <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>b) Was implementing legislation necessary for the 1996 Child Protection Convention to enter into force in your domestic law?</p> <p><i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i></p>	<p><input type="checkbox"/> Yes, please specify:</p> <ul style="list-style-type: none"> • The date that the legislation entered into force: 1 November 2012 • The legislative provision(s) or implementing legislation: The Parental Responsibility and Measures for the Protection of Children (International Obligations)(Scotland) Regulations 2010 (SSI 2010/213) • www.legislation.gov.uk/ssi/2010/213/contents/made <p><input type="checkbox"/> No</p>
<p>c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1996 Child Protection Convention?</p> <p><i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i></p>	<p><input type="checkbox"/> Yes, please specify:</p> <ul style="list-style-type: none"> • The date that the legislation or procedural rules entered into force or effect: 14 December 2020 • The legislative provision(s) or procedural rules: The Private International Law (Implementation of Agreements) Act 2020 • Scotland currently has no procedural rules for the initiation of standalone applications under the 1996 Convention other than for recognition and enforcement of orders. It is our understanding that this may be addressed in 2024 <p><input type="checkbox"/> No</p>

Part III: Applications for return

6 Applications through Central Authorities	
6.1 Outgoing applications (requesting State)	
<p>a) What type of assistance is provided to applicants in your State when completing an application for return under the Convention?</p> <p><i>See Articles 7 and 8</i></p>	<p><input checked="" type="checkbox"/> Assistance from the Central Authority</p> <p><input type="checkbox"/> Assistance from another authority</p> <p><input type="checkbox"/> Referral to a legal representative</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Other options are available to an applicant for help in completing their application such as Citizens Advice Scotland, parenting charities and if they wish they can consult a solicitor, although this is not necessary to make an application. The Scottish Central Authority does not offer legal advice on applications.</p>
6.2 Incoming applications (requested State)	
<p>a) What form of application does your State require for an incoming application?</p>	<p><input checked="" type="checkbox"/> (1) Model Application Form <i>Available at www.hcch.net under "Child Abduction Section"</i> Go to question c)</p> <p><input type="checkbox"/> (2) Form developed by your State Please specify how this form can be accessed (e.g., website) or attach a copy: Go to question c)</p> <p><input type="checkbox"/> Both (1) and (2), go to question c)</p> <p><input type="checkbox"/> The form of the requesting State is accepted, go to question c)</p> <p><input type="checkbox"/> No particular form is required, go to question b)</p> <p><input type="checkbox"/> Other, go to question b)</p>
<p>b) If your State does not require a particular form of application, what information or documents does your State request?</p> <p><i>See Article 8</i></p> <p><i>Please note that the only information actually required by the Convention (Art. 8) is indicated by a cross in the relevant box</i></p>	<p><input type="checkbox"/> Information concerning the identity of the child:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth, where available <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Information identifying the child's parents e.g., nationalities – where a parent is not the applicant or respondent to proceedings (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>): <p><input type="checkbox"/> Information concerning the identity of the applicant:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Passport number(s) <input type="checkbox"/> Relationship of the applicant to the child <input type="checkbox"/> Name(s) of legal adviser, if any <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Information concerning the identity of the person alleged to have removed or retained the child: <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Relationship of the person to the child <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> The grounds upon which the applicant's claim for return of the child is based <input type="checkbox"/> Evidence of the applicant's rights of custody <input type="checkbox"/> An authenticated copy of any relevant decision or agreement <input type="checkbox"/> A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State <input type="checkbox"/> The alleged habitual residence of the child, with supporting information <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be <input type="checkbox"/> Any other relevant document / information <input type="checkbox"/> Concerning any child protection issues <input type="checkbox"/> Marriage certificate (if applicable) <input type="checkbox"/> Divorce decree (if applicable) <input type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable) <input type="checkbox"/> Evidence of child or other relevant person's right to re-enter the State of the child's habitual residence <input type="checkbox"/> Other (<i>please specify</i>):
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	<input type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation: <input checked="" type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>(<i>please specify</i>): The Scottish Central Authority will accept applications sent electronically to enable the process to begin but still requires a hard copy of the documents for court purposes</p> <p><input type="checkbox"/> No</p>
<p>d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., <i>lawyer</i>) to act on behalf of the applicant?</p> <p><i>See Article 28</i></p>	<p><input checked="" type="checkbox"/> Yes, the authorisation should be provided:</p> <p><input checked="" type="checkbox"/> On the application form</p> <p><input checked="" type="checkbox"/> In a signed statement or declaration</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>e) Does the Central Authority acknowledge receipt of the application?</p>	<p><input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by:</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Facsimile</p> <p><input type="checkbox"/> Post</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>f) Can the Central Authority proceed with an application where the information provided is incomplete?</p>	<p><input type="checkbox"/> Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request</p> <p><input type="checkbox"/> No:</p> <p><input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation</p> <p><input type="checkbox"/> The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken</p> <p><input checked="" type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>): If the application form is completed fully and the majority of documentation is provided, we will seek to progress the application whilst waiting for the rest of the documentation that may have been held up, for example, due to awaiting translations. Each case we receive is considered individually.</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>g) Who does the Central Authority prefer to communicate with in incoming applications?</p>	<p><input checked="" type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> All of the above</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure the voluntary return of a child allegedly wrongfully removed or retained in accordance with Article 3 of the Convention (hereinafter, simply "the child")?</p> <p><i>Please explain where necessary</i></p> <p><i>See Article 7(c) and Article 10</i></p>	<p><input checked="" type="checkbox"/> Contact is made with the alleged abducting party to seek a voluntary return . This action would be taken by the solicitor allocated the case by the Central Authority. If this is unsuccessful then legal proceedings are instigated. The abducting party has the continued option to agree to a voluntary return at any stage of proceedings</p>

<p>See also Part V: Mediation and other forms of alternative dispute resolution below</p>	<input type="checkbox"/> Mediation and / or other forms of alternative dispute resolution are offered to the parties (see Part V: Mediation and other forms of alternative dispute resolution) <input type="checkbox"/> Other (<i>please specify</i>):
<p>i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure the voluntary return of the child (see question h) above)?</p>	<p>Please explain: <i>The solicitor closely manages the case and if proceedings are instigated then the Judge would have responsibility for ensuring there is no undue delay.</i></p>
<p>j) What is the role of the Central Authority in taking or causing to be taken provisional measures to prevent further harm to the child? See Article 7(2)(b) Refer also to sections 10.5 and 11.2 below</p>	<input type="checkbox"/> Alert appropriate agencies where there are concerns that a child is at risk <input type="checkbox"/> Apply directly to authorities for protection orders <input type="checkbox"/> Refer parties to appropriate agencies <input checked="" type="checkbox"/> Other (<i>please specify</i>): The Scottish Central Authority would liaise with the solicitor, who would then take instruction from the applicant and offer advice on the way forward including applying to the court for protective measures. It is also possible for the Central Authority to request Social Services to undertake a welfare check on the child/ren if the applicant has concerns
<p>k) Can an applicant commence proceedings in your State for the return of the child under the Convention without using the Central Authority channel? See Article 3 and Article 29</p>	<input checked="" type="checkbox"/> Yes, if so, please explain: <ul style="list-style-type: none"> • Where the applicant can obtain information about commencing proceedings: The applicant can obtain legal advice from a specialist solicitor. Details can be found at www.laws Scot.org.uk/find-a-solicitor. • What role, if any, the Central Authority has in these proceedings: The Central Authority will not have a role in any proceedings not brought through the respective central authorities <input type="checkbox"/> No

7 Locating a child and preventing removal

For best practice on locating a child and preventing removal, see the Guides to Good Practice under the 1980 Child Abduction Convention available at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice". In particular, in relation to preventing removal, see Part III of the Guide to Good Practice on Preventive Measures.

<p>a) Can return proceedings commence before the child is located?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, in certain circumstances (<i>please specify</i>): If there is evidence that the child/ren are resident in the jurisdiction but exact address is not know. An application from the left behind parent, through their CA can be forwarded to us. In Scotland the solicitor assigned the case will need to undertake investigations to try and locate the child before the actual court proceedings can commence. <input type="checkbox"/> No
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<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child?</p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Evidence that the child entered your State (e.g., evidence that the child boarded an aeroplane bound for your State):</p> <p><input checked="" type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State:</p> <p><input type="checkbox"/> No information or evidence is required; searches for the child can begin upon request:</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>c) What mechanisms or sources of information are available in your State to discover the whereabouts of the child?</p> <p><i>Please indicate in the space provided any associated costs for an applicant or any other necessary information</i></p> <p><i>See Article 7(2)(a)</i></p>	<p><input checked="" type="checkbox"/> (1) Private location services: If necessary the cost can be covered by the solicitor applying for legal aid to cover the cost of a private investigator.</p> <p><input type="checkbox"/> (2) Population register:</p> <p><input type="checkbox"/> (3) Employment register:</p> <p><input checked="" type="checkbox"/> (4) Information maintained by other government agencies (e.g., <i>immigration, social welfare</i>):</p> <p><input type="checkbox"/> (5) Police:</p> <p><input type="checkbox"/> (6) INTERPOL:</p> <p><input checked="" type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child: S.33 of the Family Law Act 1986 allows the court to order disclosure of a child's whereabouts</p> <p><input checked="" type="checkbox"/> (8) Other (<i>please specify</i>): It is sometimes possible for the solicitor assigned the case to implement processes for locating the abducting parent and the child</p>
<p>d) Please indicate who is responsible for arranging the measures listed above in question c) by inserting the relevant number next to the responsible person or authority</p> <p><i>E.g., Central Authority: 2, 3</i> <i>The applicant's representative: 7</i></p>	<p>Central Authority:</p> <p>The applicant:</p> <p>The applicant's representative: 1, 4, 7 and 8</p> <p>Other (<i>please specify</i>):</p>
<p>e) Please indicate, by inserting the relevant numbers, which of the measures listed above in question c) need an order from a competent authority?</p>	<p>7</p>
<p>f) What measures can be taken in your State to deter the removal or re-abduction of the child?</p> <p><i>Please explain where necessary</i></p> <p><i>Refer also to the Guide to Good Practice, Part III – Preventive Measures, available at www.hcch.net, particularly to paragraph 3.1 on barriers to international travel</i></p>	<p><input checked="" type="checkbox"/> (1) Child's passport(s) to be deposited with authorities . This can be ordered by the court to be surrendered to the court in either s.11 domestic proceedings under the Children (Scotland) Act 1995 or via return proceedings being raised under the 1980 or 1996 Hague Conventions.</p> <p><input type="checkbox"/> (2) Alleged abductor's passport to be deposited with authorities</p> <p><input checked="" type="checkbox"/> (3) Obtain orders to prevent the removal of the child . Common law interdicts can be sought in the child's local sheriff court to prevent their removal from the country or via raising return proceedings under the 1980 Hague Convention.</p>

	<input checked="" type="checkbox"/> (4) Issuing border and / or port alerts The police will only issue port alerts if they receive an appropriate court order. <input type="checkbox"/> (5) Requiring the alleged abductor to report periodically to authorities <input type="checkbox"/> (6) Requiring the alleged abductor to pay a bond / deposit <input checked="" type="checkbox"/> (7) Temporary placement of child in institutional care . This would only be done if it was considered that protective measures were required to ensure the safety of the child <input type="checkbox"/> (8) Other (<i>please specify</i>):
g) Please indicate who may apply for the measures listed above in question f) by inserting the relevant number next to the responsible person or authority	Central Authority: The applicant: 1, 3, 4, 7 The applicant's representative: 1,3,4,7 Other (<i>please specify</i>):
h) Please indicate, by inserting the relevant numbers, which of the measures above in question f) need an order from a competent authority?	1,3,4,7

8 Legal representation and assistance	
8.1 General	
a) Has your State made a reservation to Article 26 of the Convention?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) Does the Central Authority provide legal advice regarding return applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, however: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input checked="" type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input type="checkbox"/> Other (<i>please specify</i>):
c) Is legal representation required in return proceedings? <i>See Article 25</i> <i>Please explain where necessary</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, but recommended . When an application for return under the 1980 Convention is accepted, a solicitor is assigned to the case. They will apply for legal aid on behalf of the applicant. In these circumstances legal aid is non-means tested.
d) What is the role of the Central Authority in arranging legal representation? <i>See Article 7(2)(g)</i>	<input type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will: <ul style="list-style-type: none"> <input type="checkbox"/> Provide the applicant with a list of lawyers <input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers <input type="checkbox"/> Other (<i>please specify</i>):

	<input type="checkbox"/> Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary: <input checked="" type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by: <input type="checkbox"/> Central Authority lawyers <input checked="" type="checkbox"/> Private lawyers <input type="checkbox"/> Public prosecutor <input checked="" type="checkbox"/> Other (<i>please specify</i>): The Central Authority will assign the case to a private solicitor experienced in child abduction cases <input type="checkbox"/> Other (<i>please specify</i>):
8.2 Free or reduced rate legal assistance	
a) Is free or reduced rate legal assistance available to an applicant in return proceedings in your State?	<input checked="" type="checkbox"/> Yes, free legal assistance. Go to question c) <input type="checkbox"/> Yes, reduced rate legal assistance. Go to question c) <input type="checkbox"/> No, go to question b)
b) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?	<input type="checkbox"/> There is a system of costs ordering the respondent to pay <input type="checkbox"/> <i>Pro bono</i> legal assistance <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Not at all - Go to section 9
c) Is the applicant required to complete an application form for free or reduced rate legal assistance?	<input type="checkbox"/> Yes, please specify how application forms can be obtained (e.g., website) or attach a copy: <input checked="" type="checkbox"/> No
d) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i>	<input type="checkbox"/> Income of the applicant <input type="checkbox"/> Assets of the applicant <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input checked="" type="checkbox"/> Other (<i>please specify</i>): Legal aid is available for all applicants who have submitted a competent return application. The solicitor assigned to the case will make an application for legal aid to the Scottish Legal Aid Board on behalf of the applicant
e) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i>	<input type="checkbox"/> (1) Mediation <input checked="" type="checkbox"/> (2) Translation <input checked="" type="checkbox"/> (3) Interpreters <input checked="" type="checkbox"/> (4) Service of documents <input checked="" type="checkbox"/> (5) Costs associated with locating the child <input checked="" type="checkbox"/> (6) Court fees <input checked="" type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c)) <input type="checkbox"/> (8) Other (<i>please specify</i>):
f) Please indicate which costs, if any, are covered by the Central Authority by listing the numbers set out in question e) above?	N/A
g) Is free or reduced rate legal assistance available for the appeal of decisions?	<input type="checkbox"/> No, go to question i) <input type="checkbox"/> Yes, free legal assistance; go to question h)

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Yes, reduced rate legal assistance; go to question h) <input checked="" type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Free legal aid (non means tested) is available for appeals just as it is for return proceedings but an appeal can only be raised if an advocate considers there was an error in law or that no reasonable judge would have made that decision. Go to question h)
h) Is a new application for free or reduced rate legal assistance required for appeals?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i) Is free or reduced rate legal assistance available for proceedings needed to enforce a return order?	<input type="checkbox"/> No, go to question k) <input type="checkbox"/> Yes, free legal assistance; go to question j) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question j) <input checked="" type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Proceedings heard in the Scottish Courts are not usually dismissed until confirmation has been provided to the Judge that the child has been returned as ordered. If the order is not complied with the Judge will decide any further necessary action Go to question j)
j) Is a new application for free or reduced rate legal assistance required for enforcement applications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
k) Is free or reduced rate legal assistance available to an alleged abducting party located in your State?	<input type="checkbox"/> Yes, free legal assistance <input checked="" type="checkbox"/> Yes, reduced rate legal assistance Please specify in what circumstances and on what basis legal assistance will be granted: Legal aid for the abducting parent is means-tested. Both income and capital are taken into consideration when an application for assistance is made to the Scottish Legal Aid Board . https://www.slab.org.uk/new-to-legal-aid/eligibility-estimators/ <input type="checkbox"/> No
l) Where a child is returned to your State, is free or reduced rate legal assistance available to all parties in the custody proceedings in your State?	<input type="checkbox"/> Yes, free legal assistance is available to all parties <input type="checkbox"/> Yes, reduced rate legal assistance is available to all parties Please specify in what circumstances and on what basis legal assistance will be granted: <input type="checkbox"/> Free legal assistance is only available to certain persons (<i>please specify</i>):

	<input type="checkbox"/> Reduced rate legal assistance is only available to certain persons (<i>please specify</i>): Please specify in what circumstances and on what basis legal assistance will be granted: <input type="checkbox"/> No, free and / or reduced rate legal assistance is not available to any party <input checked="" type="checkbox"/> Other (<i>please specify</i>): Residence proceedings are instigated under domestic law and legal assistance will be means tested. Further information is available at the link provided at 8.2(k)
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9 Rights of custody	
9.1 Acquisition and exercise of rights of custody	
<i>See Articles 3 and 5</i>	
a) Do rights of custody arise by operation of law in your State? <i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i>	<input checked="" type="checkbox"/> Yes, go to question b) <input type="checkbox"/> No, go to question c)
b) To whom are rights of custody attributed by operation of law? <i>See Articles 3 and 5</i> <i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i>	Please explain: Persons with parental rights and responsibilities - All mothers and those fathers who are a) married to the child's mother or b) registered as the child's father on the Birth Certificate or c) have a registered agreement with the child's mother bestowing such rights on them have parental responsibilities and rights - Children (Scotland) Act 1995 (as amended by the Family Law (S) Act 1985), sections 1, 3 and 4 and s.23 of the Family Law (Scotland) Act 2006
c) By what other methods can a person or institution acquire rights of custody?	<input checked="" type="checkbox"/> Judicial decision <input type="checkbox"/> Administrative decision <input checked="" type="checkbox"/> Agreement having legal effect <input type="checkbox"/> Other (<i>please specify</i>):
d) How, if at all, can the attribution of rights of custody be modified?	<input checked="" type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> By written agreement <input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
e) How, if at all, can rights of custody be terminated?	<input checked="" type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> By written agreement <input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
f) Prior to any order determining the issue, who generally has the right to determine the child's residence?	Please explain: Those with parental rights and responsibilities

10 Proceedings for Return	
10.1 Organisation of competent authorities	
a) Does your State limit the number of judicial or administrative authorities who can hear return applications under the Convention? (i.e., has your State “concentrated jurisdiction” in respect of applications under the Convention)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear return applications under the Convention?	Courts / administrative authorities: 1 Judges / decision-makers: 2
c) Please list the judicial or administrative authorities that can make decisions in return applications under the Convention	Proceedings take place in the Court of Session in Edinburgh
d) Are the judges or administrative authorities who decide return applications in your State specialists in either family law or international child abduction? <i>See also section 22 below on Training</i>	<input checked="" type="checkbox"/> Yes, specialists in family law <input checked="" type="checkbox"/> Yes, specialists in international child abduction <input type="checkbox"/> No <input type="checkbox"/> Other (please specify):
e) In ascertaining whether there has been a wrongful removal or retention under the Convention, do judicial or administrative authorities in your State take judicial notice of foreign law and decisions without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable in ascertaining whether there has been a wrongful removal or wrongful retention? <i>See Article 14</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (please specify):
10.2 Articles 15 and 16 of the Convention	
a) In your State is it possible for a decision or other determination to be made, in accordance with Article 15 of the Convention, that the removal or retention of a child was wrongful within the meaning of Article 3? <i>See Article 3 and Article 15</i>	<input checked="" type="checkbox"/> Yes, go to question b) <input type="checkbox"/> No, go to question e)
b) Which authorities in your State can issue Article 15 decisions / determinations? <i>See Article 15</i>	Please list: Judiciary - Court
c) Who can apply for an Article 15 decision / determination?	<input type="checkbox"/> Central Authority <input checked="" type="checkbox"/> The applicant in the return proceedings <input type="checkbox"/> Other (please specify):
d) Are Article 15 decisions / determinations of other States accepted by the judicial or administrative authorities in your State?	<input checked="" type="checkbox"/> Yes, please explain if necessary: <input type="checkbox"/> No

<p>e) Who notifies the relevant judicial or administrative bodies that a decision on the merits of rights of custody should not be made until it has been determined that the child should not be returned?</p> <p><i>See Article 16</i></p>	<p><input type="checkbox"/> Central Authority</p> <p><input checked="" type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>f) When does notification in accordance with Article 16 take place?</p>	<p><input type="checkbox"/> Automatically upon receipt of a return application</p> <p><input checked="" type="checkbox"/> Upon request of either party</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>10.3 Procedures</p>	
<p>a) How does the Central Authority fulfil its obligation to initiate or facilitate the initiation of proceedings in your State?</p> <p><i>See Article 7(2)(f)</i></p> <p><i>See also question 8.1 d) above</i></p>	<p><input type="checkbox"/> The Central Authority itself initiates the proceedings for return</p> <p><input checked="" type="checkbox"/> The Central Authority sends the file to an appropriate lawyer</p> <p><input type="checkbox"/> The Central Authority sends the file to the Public Prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>b) Who is the formal applicant in return proceedings before the court / administrative authority in your State?</p>	<p><input checked="" type="checkbox"/> The person, institution or other body which made the application under the Convention</p> <p><input type="checkbox"/> The Central Authority</p> <p><input type="checkbox"/> The Public Prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>c) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State?</p> <p><i>See question 2 a) for the official language(s) of the State</i></p>	<p><input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: The requesting Central Authority or the applicant</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):</p>
<p>d) Have measures been taken to ensure that the judicial and administrative authorities in your State act expeditiously in return proceedings?</p> <p><i>See Article 11</i></p>	<p><input checked="" type="checkbox"/> Yes, please explain briefly what the measures are:</p> <p><input checked="" type="checkbox"/> In the implementing legislation: Child Abduction and Custody Act 1985</p> <p><input checked="" type="checkbox"/> In procedural rules:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p>Please specify how the legislation or rules can be obtained (e.g., website) or attach a copy: www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules - Chapter 70 Applications under the Child Abduction And Custody Act 1985</p> <p><input type="checkbox"/> No</p>
<p>e) Generally, what is the expected time from the commencement of the proceedings for return to a final order (excluding appeals)?</p> <p><i>See Article 11</i></p>	<p><input type="checkbox"/> Up to 6 weeks</p> <p><input checked="" type="checkbox"/> 6 to 12 weeks</p> <p><input type="checkbox"/> More than 12 weeks (<i>please provide further information</i>):</p>
<p>f) Is the applicant generally required to participate in the return proceedings?</p> <p><i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II – Implementing Measures)</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify in what circumstances: Where return is opposed they participate by providing affidavits, producing documentation to support their case and can be present at court proceedings if they wish</p> <p><input type="checkbox"/> No, but advisable</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> No
g) Are facilities available to enable the applicant to participate in return proceedings from outside your State?	<input checked="" type="checkbox"/> Yes: <input checked="" type="checkbox"/> Videoconference <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
h) If the applicant does participate in return proceedings in your State, is simultaneous interpretation available, where necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> It depends upon the circumstances of the case (<i>please specify</i>): The assigned solicitor would arrange this if considered necessary
i) Where the facilities set out in question 10.3 g) and h) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input checked="" type="checkbox"/> The court / administrative authority <input checked="" type="checkbox"/> It depends upon the facility used (<i>please specify</i>): Legal aid may also be used if applicable <input type="checkbox"/> Other (<i>please specify</i>):
j) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend return proceedings in person if he / she so wishes?	<input type="checkbox"/> Yes (<i>please specify</i>): <input checked="" type="checkbox"/> No
k) Is it possible for a return application to be decided solely on the basis of the papers <i>i.e.</i> , with no court (or administrative authority) hearing at all?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, but it is unlikely <input checked="" type="checkbox"/> No, there will always be a hearing
l) Can oral evidence (<i>i.e.</i> , in-person evidence) be received in return proceedings?	<input type="checkbox"/> Yes, oral evidence will always be received in return proceedings <input checked="" type="checkbox"/> Yes, oral evidence can be received in return proceedings but in limited circumstances only (<i>please specify</i>): This is rare. An advocate can request it but it is at the discretion of the judge. It can be taken in person or via video link <input type="checkbox"/> No, oral evidence can never be received in return proceedings
10.4 Participation of the child	
a) Does the child have an opportunity to be heard in return proceedings in your State?	<input type="checkbox"/> Yes, in every case; go to question b) <input checked="" type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary</i> : All children are given the opportunity to participate unless the judge determines that they are so young or incapable that they could not express a view Go to question b) <input type="checkbox"/> Only where Article 13(2) is relied upon; go to question b) <input type="checkbox"/> Other (<i>please specify</i>): Go to question b)

	<input type="checkbox"/> No, never. Go to section 10.5
b) How is the child heard in return proceedings?	<input type="checkbox"/> Direct interview with judge <input checked="" type="checkbox"/> Report prepared for court by independent expert <input checked="" type="checkbox"/> Child's own legal representative <input checked="" type="checkbox"/> Other (<i>please specify</i>): Affidavit or other evidence of the child
c) How does your State ensure that no undue delay results from hearing the child in the course of return proceedings?	<i>Please explain: This is a matter for the judge hearing the return proceedings</i>
d) Can judicial or administrative authorities appoint a legal representative (attorney or <i>guardian ad litem</i>) to represent the child's best interests in return proceedings?	<input checked="" type="checkbox"/> Yes, please specify under what circumstances: The court can appoint a curator ad litem where the judge considers that there is good reason for the child to have separate representation. <input type="checkbox"/> No
10.5 Protective measures	
a) Where there are concerns about the care being given to a child in your State, which authorities provide services for the assessment and protection of the child? <i>Please provide additional information if necessary</i> <i>On the role of the Central Authority in this respect, see also question 6.2 j) above</i>	<input checked="" type="checkbox"/> Government social / welfare agency: <input type="checkbox"/> Non-governmental organisations / agencies: <input type="checkbox"/> Central Authority: <input checked="" type="checkbox"/> Police: <input checked="" type="checkbox"/> Courts: <input type="checkbox"/> Other (<i>please specify</i>):
b) What measures are available to ensure the protection of a child in your State (both prior to the initiation of return proceedings and whilst return proceedings are ongoing)?	<input checked="" type="checkbox"/> (1) Injunctive orders can be placed on the alleged abducting party prohibiting certain forms of conduct e.g., violence, drinking etc. <input checked="" type="checkbox"/> (2) Placement of the child in foster care <input checked="" type="checkbox"/> (3) Placement of the child in State care <input checked="" type="checkbox"/> (4) Supervision of the alleged abducting party's care of the child by a social / welfare agency <input checked="" type="checkbox"/> (5) Other (<i>please specify</i>): Emergency order for protection of the child
c) Which of the above measures require a court order? Please list the relevant numbers from question 10.5 b) above	1,2,3,4
d) Who is responsible for applying for any protective measure requiring a court order? Please list next to the relevant individual or body the number of the measure from question b) above, which they are required to apply for <i>On the role of the Central Authority in this respect, see also question 6.2 j) above</i>	<input type="checkbox"/> The applicant: <input type="checkbox"/> The requesting Central Authority: <input type="checkbox"/> The requested Central Authority: <input type="checkbox"/> The Public Prosecutor: <input type="checkbox"/> The judge (<i>ex officio</i>): <input checked="" type="checkbox"/> A government social / welfare agency: <input checked="" type="checkbox"/> The police: <input type="checkbox"/> Other (<i>please specify</i>):
10.6 Contact or access during return proceedings	
a) Can judicial or administrative authorities take provisional or interim measures to enable an	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

applicant to exercise contact or access in respect of the child while return proceedings are pending?	
10.7 Appeals	
a) Can a decision in return proceedings be appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Only in certain circumstances (<i>please specify</i>): If either of the boxes above are ticked, please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made: No leave is required to appeal a final order for return to an appellate court (Inner House) within Scotland. In practice there is effectively only one appeal permitted as leave to appeal to the UK Supreme Court would only be granted if a new important point of principle was raised by the case. <input type="checkbox"/> No, go to section 11
b) Is there an expedited procedure or special process of appeal for Hague return cases? <i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: There is no formal expedited procedure but in practice such cases are dealt with as a matter of urgency by the appellate court. <input checked="" type="checkbox"/> No
c) Who can initiate the appeal process?	<input checked="" type="checkbox"/> Either party to the proceedings <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Other (<i>please specify</i>):
d) Is leave to appeal required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In certain circumstances (<i>please specify</i>):
e) If a return order is made, can it be suspended (<i>i.e.</i> , “stayed”) pending an appeal?	<input checked="" type="checkbox"/> Yes, a return order is <i>automatically</i> suspended pending an appeal <input type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party <input type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party <u>and</u> after determination by the judge / authority <input type="checkbox"/> No
f) Is there a time limit by which an appeal must be filed in return proceedings?	<input checked="" type="checkbox"/> Yes, please specify: The time limit: 21 days From when the time limit starts to run (<i>e.g.</i> , from the date of judgment, from the date of the order, from the date the decision was notified to the parties etc.): <input type="checkbox"/> No
g) Generally, what is the expected time within which appeals are filed and decided?	<input checked="" type="checkbox"/> Up to 3 months <input type="checkbox"/> 3 to 6 months <input type="checkbox"/> Longer than 6 months

<p>h) Is the applicant generally required to participate in the appeal proceedings?</p> <p><i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II – Implementing Measures)</i></p>	<p><input type="checkbox"/> Yes, please specify in what circumstances:</p> <p><input type="checkbox"/> No, but advisable</p> <p><input checked="" type="checkbox"/> No</p>
<p>i) Are facilities available to enable the applicant to attend appeal proceedings from outside your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Videoconference</p> <p><input checked="" type="checkbox"/> Telephone</p> <p><input checked="" type="checkbox"/> Through a legal representative</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?</p>	<p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The requested Central Authority</p> <p><input checked="" type="checkbox"/> The court / administrative authority</p> <p><input type="checkbox"/> It depends upon the facility used (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>l) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?</p>	<p><input type="checkbox"/> Yes (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> No</p>

11 Return of the child

11.1 Arrangements for return and the costs of return

<p>a) Who is responsible for making travel arrangements for the return of the child?</p>	<p><input type="checkbox"/> The abducting party</p> <p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The abducting party and the applicant</p> <p><input type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The requested Central Authority</p> <p><input checked="" type="checkbox"/> The judicial or administrative authority will direct who is to make arrangements on a case-by-case basis. Please explain if necessary:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>b) Who is responsible for the travel costs relating to the return of the child?</p>	<p><input checked="" type="checkbox"/> The abducting party</p> <p><input checked="" type="checkbox"/> The applicant</p> <p><input checked="" type="checkbox"/> The abducting party and the applicant</p> <p><input type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The requested Central Authority</p> <p><input type="checkbox"/> The costs are decided by the judicial or administrative authority on a case-by-case basis. Please explain if necessary:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>

<p>c) Is there financial assistance available in your State to assist with travel costs associated with the return of the child?</p> <p><i>See also question 8.2 e)</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify: through the applicants legal aid certificate</p> <p><input type="checkbox"/> No</p>
<p>d) Can special immigration arrangements (e.g., visas) be made, where necessary, to enable an applicant to travel to your State to collect a child (following a return order or a voluntary agreement to return the child)?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p>Please explain, if necessary: The parties would have to do this</p>
<p>e) Can special immigration arrangements (e.g., visas) be made, where necessary, for abducting parties and children returning to your State?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p>Please explain, if necessary: The parties would have to do this</p>

11.2 Provisions for safe return

See also: Article 7(2)(b)

Part VI: Direct judicial communications

Section 6: Applications through Central Authorities

<p>a) Does the law in your State provide for the protection of children from domestic violence or other forms of abuse?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: Please see Children's Hearings (Scotland) Act 2011 (legislation.gov.uk) and Domestic Abuse (Scotland) Act 2018 (legislation.gov.uk)</p> <p><input type="checkbox"/> No</p>
<p>b) Does the law in your State provide for the protection of adults from domestic violence or other forms of abuse?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: criminal and civil laws including Domestic Abuse (Scotland) Act 2018 (legislation.gov.uk)</p> <p><input type="checkbox"/> No</p>
<p>c) Which authorities provide services for the protection, if necessary, of the child?</p> <p><i>Please provide additional information if necessary</i></p>	<p><input checked="" type="checkbox"/> Government social / welfare agency:</p> <p><input type="checkbox"/> Non-governmental organisations:</p> <p><input type="checkbox"/> Central Authority:</p> <p><input checked="" type="checkbox"/> Police:</p> <p><input checked="" type="checkbox"/> Courts:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) What action can the Central Authority in your State take, where necessary, to ensure the safe return of the child?</p> <p><i>See Article 7(2)(h)</i></p>	<p>Please explain: liaising with solicitors</p>

Requested State

<p>e) Where a judge or administrative authority in your State is ordering the return of the child, what can the authority do to create conditions for a safe return?</p> <p><i>Please explain where necessary</i></p> <p><i>Please tick all boxes which apply</i></p>	<p><input type="checkbox"/> Make a protective order or other order designed to prevent harm occurring to the child</p> <p><input checked="" type="checkbox"/> Accept undertakings from either party designed to prevent harm occurring to the child . This would be a decision for the court</p> <p>Please specify the subject-matter of, and any limitations on, the undertakings the authority can accept: There is no limit on the types of undertakings the court will recognise so long as these are relevant and clear. Typically they will relate to the provision of accommodation and</p>
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	<p>maintenance and regulate the nature of communication between the parties.</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Direct Judicial communication with requesting State</p>
f) Where a judge or administrative authority in your State takes measures to create conditions for a safe return, what can the authority do to ensure compliance with those measures?	<i>Please specify</i> : direct judicial communication
Requesting State	
<p>g) Can judicial or administrative authorities in your State:</p> <p>i. Recognise and enforce protective orders or other orders made in the requested State designed to prevent harm occurring to the child?</p> <p>ii. Insist upon undertakings given in the requested State being carried out?</p> <p>iii. Make any “mirror orders” necessary as a result of protective measures taken in the requested State?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain where necessary: using the 1996 Hague Convention</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> It depends upon the subject-matter of the undertakings given Please explain where necessary:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain where necessary:</p>
11.3 Criminal law and the return of the child	
<p>a) Is the wrongful <i>removal</i> of a child by a parent from your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> It depends upon the circumstances of the case, please specify: s.6 Child Abduction Act 1984 -It is a criminal offence if there is a court order preventing removal of the child or a child custody order <input type="checkbox"/> No</p>
<p>b) Is the wrongful <i>retention</i> of a child by a parent outside your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> It depends upon the circumstances of the case, please specify: <input checked="" type="checkbox"/> No</p> <p>If the answer to both question 11.3 a) and b) is “no”, go to section 12</p>
c) What penalties are available for the wrongful removal or wrongful retention of a child by a parent?	<p><input checked="" type="checkbox"/> (1) Pecuniary measures <input checked="" type="checkbox"/> (2) Imprisonment <input type="checkbox"/> (3) Other (<i>please specify</i>):</p>
d) Please indicate which of the penalties listed above are mandatory	N/A
e) Can criminal proceedings in your State proceed without a complaint being presented (e.g., by the applicant to the return proceedings or any other concerned person / body)?	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, please specify:</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

f) Once initiated, can criminal proceedings in your State be withdrawn or suspended to facilitate the return of a child?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No, go to section 12
g) Who is able to initiate the withdrawal or suspension of criminal proceedings relating to the wrongful removal or wrongful retention of a child?	<input type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
h) Who will determine whether the criminal proceedings are to be withdrawn or suspended?	<input type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
i) What assistance can the Central Authority provide regarding the suspension or withdrawal of criminal proceedings?	<input checked="" type="checkbox"/> None <input type="checkbox"/> Refer the matter to prosecuting authority <input type="checkbox"/> Other (<i>please specify</i>):

12 Enforcement of return orders

For best practice in relation to the enforcement of return orders, see the Guide to Good Practice, Part IV – Enforcement available at www.hcch.net under “Child Abduction Section” then “Guides to Good Practice”.

a) What procedure may be used to enforce a return order?	<input checked="" type="checkbox"/> Directions by a judicial or administrative authority to make arrangements for return <input checked="" type="checkbox"/> Measures for the immediate execution of final orders <input type="checkbox"/> Issue of a warrant for the apprehension or detention of the child <input type="checkbox"/> Authority for coercive detention or use of force <input checked="" type="checkbox"/> Other (<i>please specify</i>): the court can issue a warrant for the child to be located, removed and given to social work for onward transmission to petitioner
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<p>b) Who is generally responsible for exercising supervision over the process of enforcement?</p>	<p><input type="checkbox"/> The applicant <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> Police <input type="checkbox"/> No one body has general responsibility <input checked="" type="checkbox"/> Other (<i>please specify</i>): Please see response at 12 c) and d)</p>
<p>c) Where parties do not voluntarily comply with a return order, is it necessary to commence additional proceedings to enforce the order?</p>	<p><input type="checkbox"/> Yes, go to question d) <input checked="" type="checkbox"/> It depends on the circumstances (<i>please specify</i>): The Scottish Courts do not usually dismiss proceedings before the return order has been executed, therefore any required enforcement action is taken at the discretion of the judge Go to question d) <input checked="" type="checkbox"/> No, go to Part IV: Applications relating to access</p>
<p>d) What is the procedure to commence enforcement proceedings?</p>	<p><input type="checkbox"/> The Central Authority will apply for enforcement <input type="checkbox"/> The applicant must apply for enforcement <input checked="" type="checkbox"/> Other (<i>please specify</i>): The Scottish Courts do not usually dismiss proceedings before the return order has been executed, and therefore an applicant can apply to seek any required enforcement action in the form of a court order made by the presiding judge.</p>
<p>e) Can the merits of the proceedings for return be reviewed in enforcement proceedings?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>f) What coercive measures, if any, are available to enforce a return order?</p>	<p><input checked="" type="checkbox"/> Intervention by government agency (e.g., <i>police, social welfare</i>) <input checked="" type="checkbox"/> Removal of the child from the abducting party <input type="checkbox"/> Removal of the child from the State <input type="checkbox"/> Criminal charges <input type="checkbox"/> Imprisonment <input type="checkbox"/> Pecuniary measures <input type="checkbox"/> An order placing the child under supervision <input type="checkbox"/> Other (<i>please specify</i>):</p>

Part IV: Applications relating to access

13 Applications through Central Authorities	
13.1 Outgoing applications (requesting State)	
<p>a) What assistance is available to applicants in your State in the preparation of outgoing access applications?</p> <p><i>See Articles 7 and 21</i></p>	<p><input checked="" type="checkbox"/> Assistance from the Central Authority to apply under Article 21</p> <p><input type="checkbox"/> Assistance from another authority or body to apply under Article 21</p> <p><input type="checkbox"/> Referral to a legal representative for assistance to apply under Article 21</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
13.2 Incoming applications (requested State)	
<p>a) Has your State developed a specific form for access applications under the Convention?</p>	<p><input checked="" type="checkbox"/> Yes Please specify how this form can be accessed (e.g., website) or attach a copy: We will use the Hague model forms for both Return and Access applications Go to question c)</p> <p><input type="checkbox"/> No, go to question b)</p>
<p>b) If your State does not require a particular form for access applications, what information or documents are requested?</p>	<p><input type="checkbox"/> Information concerning the identity of the child:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth, where available <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Information identifying the child's parents e.g., nationalities – where a parent is not the applicant or respondent to proceedings (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>): <p><input type="checkbox"/> Information concerning the identity of the applicant:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / Nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Relationship of the applicant to the child <input type="checkbox"/> Name(s) of legal adviser, if any <input type="checkbox"/> Other (<i>please specify</i>): <p><input type="checkbox"/> Information concerning the identity of the person with whom the child is presumed to be (the proposed respondent to the application):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Relationship of the person to the child <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> The grounds upon which the applicant's claim for access to the child is based <input type="checkbox"/> Evidence of the applicant's rights of access (whether obtained by operation of law, or otherwise) <input type="checkbox"/> An authenticated copy of any relevant decision or agreement <input type="checkbox"/> A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be <input type="checkbox"/> Any other relevant document / information <input type="checkbox"/> Concerning any child protection issues <input type="checkbox"/> Marriage certificate (if applicable) <input type="checkbox"/> Divorce decree (if applicable) <input type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable) <input type="checkbox"/> Other (<i>please specify</i>):
<p>c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?</p>	<input type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation: <input checked="" type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority (<i>please specify</i>): The Central Authority will accept the application and documentation by email in order to prevent delays, however this must be followed up with hard copies as these will be required for court purposes. <input type="checkbox"/> No
<p>d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., lawyer) to act on behalf of the applicant?</p> <p>See Article 28</p>	<input checked="" type="checkbox"/> Yes, the authorisation should be provided: <input type="checkbox"/> On the application form <input checked="" type="checkbox"/> In a signed statement or declaration <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>e) Does the Central Authority acknowledge receipt of the application?</p>	<p><input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by:</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Fax</p> <p><input type="checkbox"/> Post</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>f) Can the Central Authority proceed with an application where the information provided is incomplete?</p>	<p><input type="checkbox"/> Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request</p> <p><input type="checkbox"/> No:</p> <p><input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation</p> <p><input type="checkbox"/> The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken</p> <p><input checked="" type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>): We will always try to begin the process, however, we would need to be sure that there is evidence the child is habitually resident and the contact order has been provided</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>g) Who does the Central Authority prefer to communicate with in incoming applications?</p>	<p><input checked="" type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> All of the above</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure agreement between parties in international access cases?</p> <p><i>See Article 21</i></p> <p><i>See Part V: Mediation and other forms of alternative dispute resolution</i></p>	<p><input type="checkbox"/> Contact is made with the respondent to the application</p> <p><input type="checkbox"/> Mediation and / or other forms of alternative dispute resolution are offered to the parties (see Part V: Mediation and other forms of alternative dispute resolution)</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The case is assigned to a solicitor, who may communicate directly with the applicant regarding their options, to include securing a voluntary agreement or court proceedings</p>
<p>i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure an agreement between parties in international access cases (see question h) above)?</p>	<p><i>Please explain: This is for the solicitor assigned to the case and, if required, the Court to ensure no undue delay</i></p>
<p>j) What general assistance can be provided by the Central Authority in respect of arrangements for rights of access?</p> <p><i>See Article 21</i></p>	<p><input type="checkbox"/> The Central Authority can facilitate contact with the parties:</p> <p><input type="checkbox"/> Directly through the Central Authority</p> <p><input type="checkbox"/> Through intermediaries</p>

	<input type="checkbox"/> The Central Authority can provide information to the applicant on services available, e.g., mediation, legal services, social welfare services (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): If it is not possible to undertake the request for access forward under Article 21, the CA can signpost to the Law Society of Scotland for information on family law firms who may be able to provide legal advice and/or representation to undertake proceedings for contact/access under Scottish domestic law. https://www.lawscot.org.uk/find-a-solicitor/
<p>k) Will the Central Authority's assistance depend on:</p> <p><i>See paragraph 4.6 of the General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children (available at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice") recommending that Central Authorities should make their services available in all cases where cross-frontier contact rights of parents and children are in issue</i></p>	<input checked="" type="checkbox"/> Existence of a judicial or administrative order establishing or confirming rights of access <input type="checkbox"/> Other (<i>please specify</i>):
<p>l) Can an applicant commence proceedings in your State with respect to access without using the Central Authority channel?</p>	<input checked="" type="checkbox"/> Yes; if so, please explain: <ul style="list-style-type: none"> • Where an applicant can obtain information about commencing proceedings: An applicant can seek advice and/or representation from a Scottish family law solicitor to bring proceedings in the Scottish domestic court under the Children (Scotland) Act 1995. There is no automatic grant to legal aid but it may be available depending on circumstances and the solicitor would be able to advise further on this or further information is available at https://www.slac.org.uk/solicitors/legal-aid-guidance/ • What role, if any, the Central Authority has in these proceedings: Other than signposting, the Central Authority would have no role. <input type="checkbox"/> No

14 Locating a child and preventing removal	
<p>a) Are the responses to the questions in this section the same as for applications for return (see section 7)?</p>	<input checked="" type="checkbox"/> Yes, go to section 15 <input type="checkbox"/> No, continue to question b)
<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child?</p> <p><i>Please explain where necessary</i></p>	<input type="checkbox"/> Evidence that the child entered your State (e.g., evidence that the child boarded an aeroplane bound for your State): <input type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State: <input type="checkbox"/> No information or evidence is required; searches for the child can begin upon request: <input type="checkbox"/> Other (<i>please explain</i>):

<p>c) What mechanisms or sources of information are available in your State to discover the whereabouts of a child who is the subject of an access application?</p> <p><i>Please indicate in the space provided any associated costs for the applicant or any other necessary information</i></p>	<p><input type="checkbox"/> (1) Private location services:</p> <p><input type="checkbox"/> (2) Population register:</p> <p><input type="checkbox"/> (3) Employment register:</p> <p><input type="checkbox"/> (4) Information maintained by other government agencies (e.g., immigration, social welfare):</p> <p><input type="checkbox"/> (5) Police:</p> <p><input type="checkbox"/> (6) INTERPOL:</p> <p><input type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child:</p> <p><input type="checkbox"/> (8) Other (please specify):</p>
<p>d) Please indicate who is responsible for arranging the measures indicated above in question c) by listing the relevant number next to the responsible person or authority</p> <p><i>E.g., Central Authority: 2, 3 The applicant's representative: 6</i></p>	<p>Central Authority:</p> <p>The applicant:</p> <p>The applicant's representative:</p> <p>Other (please specify):</p>
<p>e) Please indicate by listing numbers which of the measures above in question c) need an order from a competent authority?</p>	

<p>15 Legal representation and assistance</p>	
<p>15.1 General</p>	
<p>a) Are the responses to the questions in this section the same as for applications for return (see section 8)?</p>	<p><input type="checkbox"/> Yes, go to section 15.2</p> <p><input checked="" type="checkbox"/> No, continue to question b)</p>
<p>b) Does the Central Authority provide legal advice regarding access applications?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> No, however:</p> <p><input checked="" type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice</p> <p><input checked="" type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures</p> <p><input type="checkbox"/> Other (please specify):</p>
<p>c) Is legal representation needed in access proceedings?</p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No, but advisable</p> <p><input type="checkbox"/> No</p>
<p>d) What is the role of the Central Authority in making arrangements to progress the application?</p> <p><i>See Article 7(2)(g)</i></p>	<p><input type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will:</p> <p><input type="checkbox"/> Provide the applicant with a list of lawyers</p> <p><input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> Legal representation is not required. The Central Authority ensures the application is forwarded to</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>the competent authority for action. Please provide additional information if necessary:</p> <p><input type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by:</p> <p><input type="checkbox"/> Central Authority lawyers</p> <p><input checked="" type="checkbox"/> Private lawyers</p> <p><input type="checkbox"/> Public prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Provided the application for access is accepted, the Central Authority will assign the case to a solicitor. If the application is not accepted then the applicant will be advised and given information as per 13.2 (i)</p>
<p>15.2 Free or reduced rate legal assistance</p>	
<p>a) Are the responses to the questions in this section the same as for applications for return (see section 8.2)?</p>	<p><input checked="" type="checkbox"/> Yes, go to section 16</p> <p><input type="checkbox"/> No, go to question b)</p>
<p>b) Is free or reduced rate legal assistance for access applications available for applicants located in another Contracting State?</p>	<p><input checked="" type="checkbox"/> Yes, free legal assistance; go to question d)</p> <p><input type="checkbox"/> Yes, reduced rate legal assistance; go to question d)</p> <p><input type="checkbox"/> No; go to question c)</p>
<p>c) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?</p>	<p><input type="checkbox"/> There is a system of costs ordering the respondent to pay</p> <p><input type="checkbox"/> <i>Pro bono</i> legal assistance</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> Not at all - go to section 16</p>
<p>d) Is the applicant required to complete an application form for free or reduced rate legal assistance?</p>	<p><input type="checkbox"/> Yes. Please specify how application forms can be obtained (e.g., website) or attach a copy:</p> <p><input checked="" type="checkbox"/> No</p>
<p>e) Please indicate on what basis free or reduced rate legal assistance may be available</p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Income of the applicant</p> <p><input type="checkbox"/> Assets of the applicant</p> <p><input type="checkbox"/> Country of residence of the applicant</p> <p><input type="checkbox"/> Likelihood of success of the proceedings</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): If the matter is competent under Article 21 of the 1980 Hague Convention then legal aid will be available. If it is not competent then costs may be incurred - Article 26 reservation</p>
<p>f) Which costs are covered by free or reduced rate legal assistance?</p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> (1) Mediation</p> <p><input checked="" type="checkbox"/> (2) Translation</p> <p><input checked="" type="checkbox"/> (3) Interpreters</p> <p><input type="checkbox"/> (4) Service of documents</p> <p><input checked="" type="checkbox"/> (5) Costs associated with locating the child</p> <p><input checked="" type="checkbox"/> (6) Court fees</p> <p><input checked="" type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c))</p> <p><input checked="" type="checkbox"/> (8) Other (<i>please specify</i>):</p>
<p>g) Please list the corresponding numbers of the costs, if any, listed in question f) above which are covered by the Central Authority?</p>	

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

h) Is free or reduced rate legal assistance available for the appeal of decisions?	<input checked="" type="checkbox"/> No, go to question j) <input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance
i) Is a new application for free or reduced rate legal assistance needed for appeals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
j) Is free or reduced rate legal assistance available for proceedings needed to enforce an access order?	<input type="checkbox"/> No, go to section 16 <input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance
k) Is a new application for free or reduced rate legal assistance needed for enforcement applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No

16 Rights of access

16.1 Determining rights of access

a) Which legislation in your State governs the establishment and exercise of rights of access? <i>See Article 5</i>	Please specify how legislation can be accessed (e.g., website) or attach a copy: For 1980 Convention cases, Article 21 is incorporated within a Schedule to the legislation. For domestic applications, the provisions are contained in Part 1 of the Childre (Scotland) Act 1995, especially section 11.
b) Which judicial and / or administrative authorities can make decisions with respect to rights of access?	Court of Session, Sheriff Courts and Appeal Court
c) In your State, who may seek rights of access in respect of a child?	<input checked="" type="checkbox"/> Parent <input checked="" type="checkbox"/> Step-parent <input checked="" type="checkbox"/> Grandparent <input checked="" type="checkbox"/> Other family member (<i>please specify</i>): Siblings <input checked="" type="checkbox"/> Other (<i>please specify</i>): A step-parent or grandparent may need to have the permission of the court to to apply for access
d) Are the best interests of the child a primary consideration in access proceedings? <i>See Articles 3 and 9 of the United Nations Convention on the Rights of the Child</i> <i>Please explain, if necessary</i>	<input checked="" type="checkbox"/> Yes The child's best interests are the paramount consideration in such proceedings <input type="checkbox"/> No, please specify what are the primary considerations:

16.2 Exercising rights of access

a) Where necessary, what guarantees and safeguards do your courts or administrative authorities have to enable them to secure rights of access for children and applicants?	<input checked="" type="checkbox"/> Surrender of passport or travel documents <input type="checkbox"/> Applicant to regularly report to police or other authority <input type="checkbox"/> Deposit of a monetary bond or surety <input checked="" type="checkbox"/> Supervised contact <input checked="" type="checkbox"/> Placing restrictions on how contact is exercised <input type="checkbox"/> Signing an affidavit or religious oath <input type="checkbox"/> Provision of a detailed itinerary with contact details <input type="checkbox"/> Requesting foreign consulates / embassies should not issues new passports / travel documents for the child <input type="checkbox"/> Other:
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16.3 Supervised access	
a) Do facilities exist in your State for the exercise of rights of access in a supervised environment?	<input checked="" type="checkbox"/> Yes, please explain if necessary: If the court deems it necessary <input type="checkbox"/> No, go to section 17
b) Under what circumstances is access supervised?	<input type="checkbox"/> Where it is agreed between the parties <input type="checkbox"/> Where it is requested by one party <input type="checkbox"/> As a result of a decision by a social welfare agency <input checked="" type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
c) Which authorities provide supervised access?	<input type="checkbox"/> Government social / welfare agency: <input checked="" type="checkbox"/> Non-government organisations: Contact Centre's <input type="checkbox"/> Central Authority: <input type="checkbox"/> Police: <input type="checkbox"/> Courts: <input type="checkbox"/> Other (<i>please specify</i>):
d) Who will pay the costs associated with exercising supervised access?	<input type="checkbox"/> The applicant <input type="checkbox"/> The person(s) with day-to-day care of the child <input type="checkbox"/> The Central Authority <input checked="" type="checkbox"/> It depends upon the order of the judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):

17 Proceedings for access / contact	
17.1 Organisation of competent authorities	
a) Does your State limit the judicial or administrative authorities who can hear access applications under the Convention? (i.e., has your State "concentrated jurisdiction" in respect of access applications under the Convention?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear access applications under the Convention?	Courts / administrative authorities: 1 Judges / decision-makers: 2
c) Which courts or administrative authorities can make decisions in applications relating to access under the Convention?	Court of Session if the case is being brought under Article 21
d) Are the judges or administrative authorities who decide access applications in your State specialists in family law? <i>See also section 22 on Training below</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (<i>please specify</i>):
17.2 Procedures	
a) Is a special procedure applied by judicial or administrative authorities to access applications made under Article 21 of the Convention? <i>Please explain where necessary</i>	<input checked="" type="checkbox"/> Yes: <input type="checkbox"/> No:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>b) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State? <i>See question 2 a) for the official language(s) of the State</i></p>	<p><input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: The requesting central authority</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):</p>
<p>c) Generally, how long are proceedings relating to access from commencement to final order (excluding appeals)?</p>	<p><input type="checkbox"/> Up to 6 weeks</p> <p><input checked="" type="checkbox"/> 6 to 12 weeks</p> <p><input type="checkbox"/> 3 to 6 months</p> <p><input type="checkbox"/> Longer than 6 months</p>
<p>d) Is the applicant generally required to participate in proceedings relating to access? <i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i></p>	<p><input type="checkbox"/> Yes, please specify in what circumstances:</p> <p><input type="checkbox"/> No, but advisable</p> <p><input checked="" type="checkbox"/> No</p>
<p>e) Are facilities available to enable an applicant to participate in access proceedings from outside your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Videoconference</p> <p><input checked="" type="checkbox"/> Telephone</p> <p><input checked="" type="checkbox"/> Through a legal representative</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>f) If the applicant does participate in access proceedings in your State, is simultaneous interpretation available, where necessary?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>g) Where the facilities set out in questions e) and f) above are required, who is responsible for the cost of providing such facilities?</p>	<p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The requested Central Authority</p> <p><input checked="" type="checkbox"/> The court / administrative authority</p> <p><input type="checkbox"/> It depends upon the facility used (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>):</p>
<p>h) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend access proceedings in person if he / she so wishes?</p>	<p><input type="checkbox"/> Yes (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> No</p>
<p>17.3 Participation of the child</p>	
<p>a) Are the responses to the questions in this section the same as for applications for return (see section 10.4)?</p>	<p><input type="checkbox"/> Yes, go to section 17.4</p> <p><input checked="" type="checkbox"/> No, continue to question b)</p>
<p>b) Does the child have an opportunity to be heard in access proceedings under the Convention in your State?</p>	<p><input type="checkbox"/> Yes, always; go to question c)</p> <p><input checked="" type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary: The child would usually always have the opportunity to be heard unless the child is very young or otherwise incapable of expressing a view.</i></p> <p><i>It is also possible for a report to be provided to the court on the child's views</i></p> <p>Go to question c)</p>

	<input type="checkbox"/> Other (<i>please specify</i>): Go to question c) <input type="checkbox"/> No, never; go to section 17.4
c) How can the child be heard in access proceedings?	<input type="checkbox"/> Direct interview with judge <input checked="" type="checkbox"/> Report prepared for court by independent expert <input checked="" type="checkbox"/> Child's own legal representative <input checked="" type="checkbox"/> Other (<i>please specify</i>):
d) How does your State ensure that no undue delay results from hearing the child in the course of access proceedings?	Please explain: <i>This is a matter for the Judge who is hearing the proceedings</i>
e) Can judicial or administrative authorities appoint a legal representative (attorney or <i>guardian ad litem</i>) to represent the child's best interests?	<input checked="" type="checkbox"/> Yes, please specify under what circumstances: A curator ad litem to represent the child may be appointed either at the court's own initiative or on an application by the proposed curator ad litem <input type="checkbox"/> No
17.4 Appeals	
a) Can a decision in applications relating to access be appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Only in certain circumstances (<i>please specify</i>): If either of the boxes above are ticked, please specify how many levels of appeal exist and to which courts / authorities an appeal may be made: <input type="checkbox"/> No, go to section 18
b) Is there an expedited procedure or special process of appeal for Hague access cases? <i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: In practice the court will hear these as a matter of urgency <input checked="" type="checkbox"/> No
c) Who can initiate the appeal process?	<input checked="" type="checkbox"/> Either party to the proceedings <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Other (<i>please specify</i>):
d) Is leave to appeal required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In certain circumstances (<i>please specify</i>):
e) If an access order is made, can it be suspended (<i>i.e.</i> , "stayed") pending an appeal?	<input type="checkbox"/> Yes, an access order is <i>automatically</i> suspended pending an appeal <input type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party <input checked="" type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party and after determination by the relevant judge / authority <input type="checkbox"/> No
f) Is there a time limit by which an appeal must be filed in access proceedings?	<input checked="" type="checkbox"/> Yes, please specify:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>The time limit: 21 days</p> <p>From when the time limit starts to run (e.g., from the date of judgment, from the date of the order, from the date the decision is notified to the parties etc.):</p> <p><input type="checkbox"/> No</p>
g) Generally, what is the expected time within which appeals are filed and decided?	<p><input type="checkbox"/> Up to 3 months</p> <p><input checked="" type="checkbox"/> 3 to 6 months</p> <p><input type="checkbox"/> Longer than 6 months</p>
h) Is the applicant generally required to participate in appeal proceedings? <i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II – Implementing Measures)</i>	<p><input type="checkbox"/> Yes, please specify in what circumstances:</p> <p><input checked="" type="checkbox"/> No</p>
i) Is the applicant able to participate in proceedings without being physically present?	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Video-conference</p> <p><input type="checkbox"/> Telephone</p> <p><input checked="" type="checkbox"/> Through a legal representative</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	<p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The requested Central Authority</p> <p><input checked="" type="checkbox"/> The court / administrative authority</p> <p><input type="checkbox"/> It depends upon the facility used (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
l) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	<p><input type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> No</p>

18 Enforcement of rights of access	
a) Can an order relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?	<p><input type="checkbox"/> Yes, all orders made in another State are recognised and are enforceable. Please explain or specify how relevant legislation can be accessed (e.g., website) or attach a copy:</p> <p><input checked="" type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify:</p> <p><input type="checkbox"/> Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019)</p> <p><input checked="" type="checkbox"/> 1996 Child Protection Convention</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>

	<input type="checkbox"/> Yes, subject to conditions. Please explain or specify how relevant legislation can be accessed (e.g., website) or attach a copy: <input type="checkbox"/> No, however the party can seek to have “mirror orders” made by the judicial or administrative authorities <input type="checkbox"/> No
b) Can an agreement relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?	<input checked="" type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify: <input type="checkbox"/> Brussels IIb Regulation (Council Regulation (EU) 2019/1111 of 25 June 2019) <input checked="" type="checkbox"/> Other (<i>please specify</i>): 1996 Hague Convention on the Protection of Children <input type="checkbox"/> Yes, subject to conditions. Please explain: <input type="checkbox"/> No, however the party can seek to have “mirror orders” made by the judicial or administrative authorities <input type="checkbox"/> No
c) Can a party seek to have orders made in your State in respect of a decision from another State on rights of access?	<input checked="" type="checkbox"/> Yes, the party must apply to the judicial or administrative authorities <input type="checkbox"/> Yes, the Central Authority will apply to the judicial or administrative authorities on behalf of the party <input type="checkbox"/> No
d) What is the procedure for the applicant to commence enforcement proceedings?	<input type="checkbox"/> The Central Authority can apply for enforcement on behalf of the applicant <input checked="" type="checkbox"/> The applicant must seek enforcement <input type="checkbox"/> Other (<i>please specify</i>):
e) What coercive measures, if any, are available to enforce an order relating to access and contact?	<input checked="" type="checkbox"/> Intervention by government agency (e.g., police, social welfare, etc.) <input type="checkbox"/> Removal of the child from the custodial person(s) <input type="checkbox"/> Criminal charges <input type="checkbox"/> Imprisonment <input type="checkbox"/> Pecuniary measures <input type="checkbox"/> An order placing the child under supervision <input type="checkbox"/> Other (<i>please specify</i>):
f) Does the application of coercive measures require a separate order from judicial or administrative authorities?	<input checked="" type="checkbox"/> Yes. If so, who must apply for the order: <input checked="" type="checkbox"/> The applicant <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Police <input checked="" type="checkbox"/> Other (<i>please specify</i>): solicitor acting on behalf of the child <input type="checkbox"/> No

Part V: Mediation and other forms of alternative dispute resolution

19 Mediation	
<p><i>For best practice in relation to mediation in the context of the 1980 Child Abduction Convention, see the Guide to Good Practice, Part V - Mediation, available at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".</i></p>	
19.1 Mediation services	
<p>a) What family matters can be dealt with by mediation in your State?</p>	<p><input checked="" type="checkbox"/> Return / non-return of a child following an alleged wrongful removal / retention</p> <p><input checked="" type="checkbox"/> Custody</p> <p><input checked="" type="checkbox"/> Access / contact</p> <p><input checked="" type="checkbox"/> Relocation</p> <p><input checked="" type="checkbox"/> Child support</p> <p><input checked="" type="checkbox"/> Property disputes on relationship breakdown</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>b) What mediation services / structures exist in your State where an incoming application has been received for the return of a child?</p> <p><i>See Article 7(2)(c) and Article 10</i></p>	<p><input checked="" type="checkbox"/> Private mediation services / structures (<i>please specify</i>):</p> <p><input type="checkbox"/> Mediation services / structures within the judicial or administrative system (<i>please explain</i>):</p> <p><input type="checkbox"/> Mediation services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>):</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p> <p><input type="checkbox"/> There are no mediation services / structures available</p>
<p>c) What mediation services / structures exist in your State where an incoming application has been received for access / contact with a child?</p> <p><i>See Article 21</i></p>	<p><input checked="" type="checkbox"/> Private mediation services / structures (<i>please specify</i>):</p> <p><input type="checkbox"/> Mediation services / structures within the judicial or administrative system (<i>please explain</i>):</p> <p><input type="checkbox"/> Mediation services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>):</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p> <p><input type="checkbox"/> There are no mediation services / structures available</p> <p>If you answered that there are no mediation services / structures available in your State in response to both questions b) and c) above, go to section 20</p>
<p>d) Is co-mediation (<i>i.e.</i> mediation involving two mediators – one from each State) available in your State for the mediation of international family disputes which are within the scope of the Convention?</p>	<p><input type="checkbox"/> Yes (<i>please provide brief details of any available scheme, e.g., bi-national mediation programmes</i>):</p> <p>There is no barrier to the parties organising co-mediation of this form</p> <p><input checked="" type="checkbox"/> No</p>
19.2 Legislation and / or rules on mediation	
<p>a) Is mediation in family matters regulated in your State?</p> <p><i>Please tick all boxes which apply</i></p> <p><i>EU Member States, excluding Denmark, should note that Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters applies since May 2011. EU Member States, excluding Denmark, should reference the laws, regulations and</i></p>	<p><input type="checkbox"/> Yes, there is general legislation relating to mediation which also applies to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy:</p> <p><input type="checkbox"/> Yes, there is specific legislation relating to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy:</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p><i>administrative provisions brought into force to comply with this Directive if known at the time of completion of this Country Profile.</i></p>	<p><input checked="" type="checkbox"/> Yes, there is specific legislation relating to mediation in international family matters within the scope of the Convention. Please specify how the legislation can be accessed (e.g., website) or attach a copy: www.legislation.gov.uk/ssi/2011/234/contents/made</p> <p><input checked="" type="checkbox"/> Yes, mediation in family matters is regulated in another way (<i>please specify</i>): independent, regulated professional body</p> <p><input type="checkbox"/> No, go to section 19.3</p>
<p>b) Please indicate which matters are regulated by the legislation / rules in relation to mediation in your State</p> <p><i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> Formal accreditation of mediators</p> <p><input type="checkbox"/> Necessary qualifications / experience of mediators</p> <p><input type="checkbox"/> Process of mediation</p> <p><input checked="" type="checkbox"/> Confidentiality of mediation</p> <p><input type="checkbox"/> Status and enforceability of mediated agreements</p> <p><input type="checkbox"/> Taking into consideration the child's views in the mediation of disputes relating to him / her</p> <p><input type="checkbox"/> Availability of mediation in disputes involving allegations of domestic violence or other forms of abuse</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>19.3 Access to mediation</p>	
<p>a) How can individuals obtain information identifying suitable mediators in your State?</p>	<p><input checked="" type="checkbox"/> Lists of mediators are available:</p> <p><input type="checkbox"/> Through the Central Authority (<i>see also question 19.3 b) below</i>)</p> <p><input checked="" type="checkbox"/> Via accrediting bodies (<i>please provide details</i>): CALM for solicitor mediators - https://www.calmScotland.co.uk/ Reunite - https://www.reunite.org/</p> <p><input type="checkbox"/> Through other sources (<i>please specify</i>):</p> <p><input type="checkbox"/> Other methods of accessing information are available (<i>please specify</i>):</p> <p><input type="checkbox"/> No general information is available. Individuals must carry out research themselves</p>
<p>b) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for the return of a child?</p> <p><i>See Articles 7(2)(c) and 10</i></p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Provides information about mediation to the parties</p> <p><input type="checkbox"/> Refers parties to accredited professionals to undertake mediation</p> <p><input type="checkbox"/> Seeks orders from judicial or administrative authorities for mediation between the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>c) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for access / contact with a child?</p> <p><i>See Article 21</i></p> <p><i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Provides information about mediation to the parties</p> <p><input type="checkbox"/> Refers parties to accredited professionals to undertake mediation</p> <p><input type="checkbox"/> Seeks orders from judicial or administrative authorities for mediation between the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>

<p>d) How are the costs of mediation met in disputes where an incoming application has been received for the return of a child?</p> <p><i>Please explain if necessary</i></p>	<p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 8.2 e) above)</p> <p><input checked="" type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 8.2 e) above) (<i>please specify</i>)</p> <p><input type="checkbox"/> The Central Authority will meet the costs associated with mediation</p> <p><input type="checkbox"/> Other sources of funding are available (<i>please specify</i>)</p> <p><input checked="" type="checkbox"/> The costs of mediation must be borne by the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>e) How are the costs of mediation met where an incoming application has been received for access / contact with a child?</p> <p><i>Please explain if necessary</i></p>	<p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 15.2 f) above)</p> <p><input checked="" type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 15.2 f) above) (<i>please specify</i>)</p> <p><input type="checkbox"/> The Central Authority will meet the costs associated with mediation</p> <p><input type="checkbox"/> Other sources of funding are available (<i>please specify</i>)</p> <p><input checked="" type="checkbox"/> The costs of mediation must be borne by the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>19.4 The mediation process</p>	
<p>a) At what stage of a return application is mediation available?</p>	<p><input checked="" type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>) If the judge allows a delay after proceedings have been raised</p> <p><input type="checkbox"/> Only before an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only after an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>b) At what stage of an access / contact application is mediation available?</p>	<p><input checked="" type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>) Mediation is available at all stages if parties agree</p> <p><input type="checkbox"/> Only before an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only after an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>

<p>c) Are cases assessed to determine their suitability for mediation?</p>	<p><input type="checkbox"/> Yes, always; go to question d) <input type="checkbox"/> No, never; go to question e) <input checked="" type="checkbox"/> Other (<i>please explain</i>) The CA does not assess cases. It may be that once the case is assigned to the solicitor that they discuss mediation with the applicant and take any necessary steps from there ; go to question d) or e) as appropriate</p>
<p>d) Who carries out the assessment of cases to determine whether they are suitable for mediation?</p>	<p><input checked="" type="checkbox"/> Mediator(s) <input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>e) Where legal proceedings have commenced, can such proceedings be suspended while mediation is undertaken?</p>	<p><input checked="" type="checkbox"/> Yes, provide additional information if necessary: The Court will determine the appropriate period of suspension. <input type="checkbox"/> No</p>
<p>f) How, if at all, are the views of the subject child(ren) taken into account in mediation in your State? <i>See also question 19.2 b) above</i></p>	<p><input checked="" type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the child must be seen by the mediator (<i>see also question 19.2 b) above</i>) <input type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the views of the child must be communicated to the mediator but this need not be directly (<i>see also question 19.2 b) above</i>). Please explain the method(s) used <input type="checkbox"/> It is within the discretion of the particular mediator <input type="checkbox"/> The child's views play no part in the mediation <input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>g) What safeguards are available in your State where allegations of domestic violence and / or other forms of abuse are made in a dispute which goes to mediation?</p>	<p><input checked="" type="checkbox"/> (1) Address and other contact details of the alleged victim are kept confidential <input checked="" type="checkbox"/> (2) Other safeguards (<i>please specify</i>) Safeguards are assessed by the mediator</p>
<p>h) Please specify which, if any, of the safeguards set out in question 19.4 g) above are required by rules / legislation in your State and which safeguards are left to the discretion of the mediator? <i>See also question 19.2 b) above</i></p>	<p>Required by legislation / rules of State: Left to the discretion of the mediator: The mediator assesses any risk in relation to safeguarding</p>
<p>i) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of a child while mediation is ongoing?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>19.5 The enforceability of mediated agreements</p>	
<p>a) Are there legal restrictions on the content of mediated agreements regarding family law matters in your State?</p>	<p><input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No</p>

<p>b) Which additional formalities, if any, are required in your State to make mediated agreements in a family dispute involving children enforceable?</p>	<p><input type="checkbox"/> (1) Notarisation of the mediated agreement</p> <p><input type="checkbox"/> (2) Court approval of the mediated agreement Please specify competent court:</p> <p><input type="checkbox"/> (3) Registration of the mediated agreement with the court. Please specify competent court:</p> <p><input checked="" type="checkbox"/> (4) Other (<i>please specify</i>) the summary of mediation can be made into a binding contract called a Minute of Agreement that parties sign. Court orders could be applied for if agreed in mediation</p> <p><input type="checkbox"/> (5) No additional formalities are required. Mediated agreements in family disputes involving children are immediately enforceable <i>without</i> any additional formalities being required</p> <p>If you ticked option (2) and / or (3) above, please go to question 19.5 c). If not, please proceed to question 19.5 d)</p>
<p>c) Is the mediated agreement, once approved by or registered with a court, treated as an order of that court?</p> <p><i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> Yes, but only if parties have waived confidentiality and agreed that it should be formally registered Go to question 19.5 e)</p> <p><input type="checkbox"/> No, Go to question 19.5 d)</p>
<p>d) Is it possible to turn a mediated agreement into a court order?</p>	<p><input checked="" type="checkbox"/> Yes, please briefly explain what steps are required and which court would be competent: By applying for a court order</p> <p><input type="checkbox"/> No</p>
<p>e) Who bears the cost of rendering the mediated agreement enforceable? Please list the number from question 19.5 b) next to the relevant answer</p>	<p>The parties must pay: 4</p> <p>The cost is covered by any free or reduced rate legal assistance provided to one / both parties: 4</p> <p>Central Authority:</p> <p>There are no costs:</p>

19.6 Agreements mediated in another State

<p>a) Can an agreement mediated in another State in a family dispute involving children be approved by a court or otherwise formalised in your State in the same manner as an agreement mediated in your State (see question 19.5 b) above)?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No, a different method for formalising the agreement must be used. Please specify: Applying for a court order</p> <p><input type="checkbox"/> No, it is not possible to formalise an agreement mediated in another State</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Yes, providing the children are habitually resident in Scotland</p>
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20 Other forms of alternative dispute resolution (“ADR”)

<p>a) What other forms of ADR are available in your State for the resolution of international family disputes falling within the scope of the Convention?</p> <p><i>See Articles 7(2)(c) and 10</i></p>	<p><input type="checkbox"/> (1) In-court conciliation</p> <p><input type="checkbox"/> (2) Out-of-court conciliation</p> <p><input type="checkbox"/> (3) Collaborative law</p> <p><input type="checkbox"/> (4) Early Neutral Evaluation</p> <p><input checked="" type="checkbox"/> (5) Other (<i>please specify</i>): Family Law Arbitration</p> <p><input type="checkbox"/> (6) No other forms of ADR are available, go to Part VI: Direct judicial communications</p>
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<p>b) What services / structures exist in respect of the other forms of ADR available in your State? Please list the relevant number(s) from question 20 a) above next to the service / structure which is available in respect of that method of ADR</p>	<p>Private ADR services / structures (<i>please specify</i>):</p> <p>ADR services / structures within the judicial or administrative system (<i>please explain</i>):</p> <p>ADR services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>):</p> <p>Other (<i>please explain</i>):</p>
<p>c) In relation to:</p> <ul style="list-style-type: none"> • legislation on ADR • access to ADR • the ADR process • the enforceability of agreements reached as a result of ADR; and • the enforceability of agreements reached as a result of ADR in another State <p>are the responses the same as for the section on mediation above – see sections 19.2 to 19.6?</p>	<p><input checked="" type="checkbox"/> Yes, go to Part VI: Direct judicial communications</p> <p><input type="checkbox"/> Some of the responses are the same, go to question d)</p> <p><input type="checkbox"/> No, go to question d)</p>
<p>d) Please briefly specify in what way the answers to the questions in sections 19.2 to 19.6 above are different in relation to other forms of ADR in your State</p>	

Part VI: Direct judicial communications

21 Direct judicial communications	
<p>a) Has a member of the International Hague Network of Judges been designated for your State?</p> <p>For more information, go to www.hcch.net under “Child Abduction Section” then “Judicial Communications”</p>	<p><input checked="" type="checkbox"/> Yes Name(s): Lady Wise, Lady Carmichael <i>Please do not list the contact details of the judge(s) here. Instead, please ensure that the name, position, court and contact details have been provided to the Permanent Bureau</i></p> <p><input type="checkbox"/> No</p>
<p>b) Is there a legislative basis upon which judges in your State can engage in direct judicial communications?</p>	<p><input type="checkbox"/> Yes, please specify how the legislation can be accessed (e.g., website) or attach a copy: Go to Part VII: Other information</p> <p><input checked="" type="checkbox"/> No, go to question c)</p>
<p>c) In the absence of legislation, can judges in your State engage in direct judicial communications?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

Part VII: Other information

22 Training	
<p>a) What measures are being taken to ensure that persons responsible for implementing the Convention (e.g., judges, lawyers and Central Authority personnel) have received appropriate information and training?</p> <p><i>Please contact the Permanent Bureau for information in relation to forms of assistance which may be available for this purpose</i></p>	<p><input checked="" type="checkbox"/> Training as required for Central Authority staff</p> <p><input type="checkbox"/> Training as required for responsible authorities</p> <p><input type="checkbox"/> Updates as required on legal developments related to the Convention provided to staff responsible for its implementation</p> <p><input type="checkbox"/> Training as required for lawyers</p> <p><input type="checkbox"/> Training as required for law enforcement</p> <p><input type="checkbox"/> Other (please specify):</p> <p>Specifically in respect of judges:</p> <p><input checked="" type="checkbox"/> Sending a basic package of information on the 1980 Convention to judges</p> <p><input checked="" type="checkbox"/> Training through a dedicated judicial studies board</p> <p><input checked="" type="checkbox"/> Participation in judicial training seminars</p> <p><input checked="" type="checkbox"/> Participation in the International Hague Network of Judges</p> <p><input type="checkbox"/> Accessing <i>The Judges' Newsletter on International Child Protection</i> (available at www.hcch.net under "Child Abduction Section" then "Judges' Newsletter on International Child Protection")</p> <p><input type="checkbox"/> Other (please specify):</p>
<p>b) Is your Central Authority willing to participate in a "twinning arrangement" with another Central Authority?</p> <p><i>A "twinning arrangement" is where two Central Authorities engage in discussions and / or visits to exchange information with the view to improving operations in both Central Authorities</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
23 Other implementing measures	
<p>a) Does your State use an electronic case management system?</p>	<p><input checked="" type="checkbox"/> Yes, please specify: The court uses an electronic case management system</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State use INCADAT?</p> <p>For more information, go to www.incadat.com</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>c) Are statistics related to applications under the Convention in your State publicly available?</p>	<p><input type="checkbox"/> Yes, please specify how the statistics can be accessed (e.g., website, annual report):</p> <p><input checked="" type="checkbox"/> No</p>
24 Other services	
<p>a) What general services / resources are available in your State to assist those involved in international child abduction cases?</p> <p><i>Please indicate, where available, contact details, websites and costs for such services</i></p>	<p><input type="checkbox"/> International Social Service (ISS) (please provide contact information):</p> <p><input checked="" type="checkbox"/> Specific NGOs dealing with child abduction: Reunite</p> <p><input type="checkbox"/> Financial assistance:</p> <p><input type="checkbox"/> Social / welfare assistance:</p> <p><input type="checkbox"/> Immigration services:</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Other (<i>please specify</i>):
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