



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 3

[^{F1}OFFICERS OF COURT]

Regulation of [^{F1}officers of court]

62 Duty to notify [^{F1}Lord President and sheriff principal] of bankruptcy etc.

- (1) Where, in relation to [^{F2}an officer of court], any of the events mentioned in subsection (2) below occurs, the officer must, before the expiry of the period of 28 days beginning with the occurrence of the event—
- [^{F3}(a) in the case of a messenger-at-arms, notify the Lord President of the Court of Session in writing of the event;
 - (b) in the case of a sheriff officer, notify the sheriff principal from whom the officer holds a commission in writing of the event.]
- (2) The events referred to in subsection (1) above are—
- (a) the sequestration of the [^{F4}officer of court];
 - (b) the granting by the officer of a trust deed for creditors;
 - (c) the making of a bankruptcy restrictions order in respect of the officer;
 - ^{F5}(d)
 - (e) the making, under the Company Directors Disqualification Act 1986 (c. 46), of a disqualification order against the officer;
 - (f) where the officer is a partner in a partnership the sole or main business of which is the provision of [^{F6}officer of court] services—
 - (i) the granting by the partnership of a trust deed for creditors; or
 - (ii) the sequestration of the partnership;
 - (g) where the officer is a member in a limited liability partnership the sole or main business of which is the provision of [^{F7}officer of court] services, the commencement of the winding up of that partnership on the ground of insolvency.

Changes to legislation: Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 62 is up to date with all changes known to be in force on or before 25 January 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) In subsection (2) above, “trust deed” has the meaning given by section 5(4A) of the 1985 Act.

Annotations:

Amendments (Textual)

- F1** Words in title of s. 62 substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 14\(2\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F2** Words in s. 62(1) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 14\(1\)\(a\)\(i\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F3** Words in s. 62(1) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 14\(1\)\(a\)\(ii\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F4** Words in s. 62(2)(a) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 14\(1\)\(b\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F5** S. 62(2)(d) repealed (1.4.2015) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), [Sch. 4](#); S.S.I. 2014/261, art. 3 (with arts. 4-712) (as amended by S.S.I. 2015/54, art. 2)
- F6** Words in s. 62(2)(f) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 14\(1\)\(b\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F7** Words in s. 62(2)(g) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 14\(1\)\(b\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

Commencement Information

- I1** S. 62 in force at 1.4.2011 by S.S.I. 2011/31, [art. 4](#)

Changes to legislation:

Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 62 is up to date with all changes known to be in force on or before 25 January 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#)