



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 3

ENFORCEMENT

Disciplinary proceedings

71 Referrals to the disciplinary committee

- (1) In dealing with any matter referred to the disciplinary committee under section 67(6), 69(2) or 70(2) of this Act, the committee—
 - (a) must consider—
 - (i) any report made to the Commission under section 67(5)(a) of this Act; and
 - (ii) any other relevant information held by the Commission; and
 - (b) may, if it considers it appropriate, hold a hearing.
- (2) Where the judicial officer to whom a referred matter relates requests a hearing before the disciplinary committee, the committee must hold one.
- (3) The disciplinary committee must, when holding a hearing, afford the persons mentioned in subsection (4) below the opportunity to—
 - (a) make representations (whether orally or in writing); and
 - (b) lead, or produce, evidence.
- (4) Those persons are—
 - (a) the judicial officer to whom the hearing relates;
 - (b) where there was an investigation under section 67 of this Act, the person who carried it out; and
 - (c) any other person the committee considers appropriate.
- (5) The disciplinary committee may award expenses in any hearing in favour of or against the judicial officer to whom the hearing relates.

Status: This is the original version (as it was originally enacted).

- (6) The Commission's expenses in any hearing include any payments made under section 66(4) and 67(7) of this Act.
- (7) Where expenses are awarded under subsection (5) above—
 - (a) in favour of the judicial officer, the expenses are recoverable by the officer from the Commission; or
 - (b) against the officer, the expenses are recoverable by the Commission from the officer.
- (8) The Commission may make rules in relation to the procedures, including the procedures to be followed during a hearing, of the disciplinary committee.
- (9) Any rules made under subsection (8) above must be approved by the Scottish Ministers.