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SCHEDULE 4 REGULATION OF OFFICERS OF COURT: MODIFICATIONS OF ENACTMENTS

PART 1

AMENDMENTS

Debtors (Scotland) Act 1987 (c. 18)

- 5 In section 80 (courts' powers in relation to offences or misconduct)—
- (a) in subsection (1)—
 - (i) the words from “an” to the end of that subsection become paragraph (a) of the subsection,
 - (ii) after that paragraph add—
 - “(b) an order mentioned in paragraph (aa) or (c) of subsection (5) below.”,
 - (b) in subsection (2)—
 - (i) the words from “an” to the end of that subsection become paragraph (a) of the subsection,
 - (ii) after that paragraph add—
 - “(b) an order in relation to the sheriff officer of a kind mentioned in paragraph (aa) or (c) of subsection (5) below.”,
 - (c) after subsection (3) insert—
 - “(3A) Where—
 - (a) a solicitor is appointed to investigate a matter in respect of a messenger-at-arms under section 79(2) of this Act; or
 - (b) the Court of Session becomes aware that a messenger-at-arms has been charged with an offence,the Court of Session may make an order finding that the messenger-at-arms should be suspended from practice for such period as may be specified in the order or in an order extending such period.
 - (3B) Where—
 - (a) a solicitor is appointed to investigate a matter in respect of a sheriff officer under section 79(2) of this Act; or
 - (b) the sheriff principal from whom a sheriff officer holds a commission becomes aware that the sheriff officer has been charged with an offence,the sheriff principal may make an order suspending the officer from practice for such period as may be specified in the order or in an order extending such period in that sheriffdom.”,
 - (d) after subsection (4) insert—
 - “(4A) Where the Court of Session at the end of disciplinary proceedings brought under subsection (3) of section 79 of this Act is satisfied that a concern mentioned in subsection (1)(d)(ii) of that section in relation to a messenger-at-arms is founded, the Court of Session may make an order under paragraph (a) or (aa) of subsection (5) below.”,

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- (e) in subsection (5) after paragraph (a) insert—
 - “(aa) an order restricting—
 - (i) the functions which the messenger-at-arms may exercise; or
 - (ii) the activities which the messenger-at-arms may undertake,
 for such period as may be specified in the order;”,
- (f) after subsection (6) insert—
 - “(6A) Where the sheriff principal at the end of disciplinary proceedings brought under subsection (3) of section 79 of this Act is satisfied that a concern mentioned in subsection (1)(d)(ii) of that section in relation to a sheriff officer is founded, the sheriff principal may make, in relation to the sheriff officer, an order—
 - (a) of a kind mentioned in paragraph (aa) of subsection (5) above; or
 - (b) under paragraph (a) of subsection (7) below.”,
- (g) in subsection (7)(b) for “subsection (5)(b)” substitute “ subsection (5)(aa), (b), ”.

Commencement Information

II Sch. 4 para. 5 in force at 1.4.2011 by [S.S.I. 2011/30](#), art. 3(2)(3), [Sch. 2](#)

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)