



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 3

[^{F1}OFFICERS OF COURT]

[^{F1}Officers of court's] professional association

Textual Amendments

- F1** Words in crossheading preceding s. 63 substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 15\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1

63 [^{F2}Officers of court's] professional association

- (1) The Scottish Ministers, by regulations—
- must designate an association [^{F3}(in this Part, the “professional association”)] as the professional association for [^{F4}officers of court]; and
 - may make provision in relation to the functions, constitution and procedures of the professional association.

[^{F5}(1A) Regulations under subsection (1) may require an officer of court to provide such information as the professional association reasonably considers necessary.]

- (2) The Scottish Ministers may not make regulations under subsection (1) above without first consulting—
- [^{F6}(a) the Lord President of the Court of Session;
 - (aa) each sheriff principal;
 - (b) representatives of the professional association or, as the case may be, proposed professional association; and
 - (c) such other bodies or persons who appear to the Scottish Ministers to have an interest.

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Cross Heading: Officers of court's professional association. (See end of Document for details)

- (3) A person may not hold a commission as [^{F7}an officer of court] unless that person is a member of the professional association.

Textual Amendments

- F2** Words in s. 63 title substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 15\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F3** Words in s. 63(1)(a) inserted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 15\(1\)\(a\)\(i\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F4** Words in s. 63(1)(a) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 15\(1\)\(a\)\(ii\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F5** S. 63(1A) inserted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 15\(1\)\(b\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F6** S. 63(2)(a) (aa) substituted for s. 63(2)(a) (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 15\(1\)\(c\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F7** Words in s. 63(3) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 15\(1\)\(d\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1

Commencement Information

- I1** S. 63 not in force at Royal Assent see s. 227; s. 63(1)(2) in force for certain purposes at 1.4.2008 by [S.S.I. 2008/115](#), [art. 3\(4\)](#), [Sch. 3](#) (with arts. 4-6, 10)
- I2** S. 63(1)(2) in force at 31.1.2011 for specified purposes by [S.S.I. 2011/31](#), [art. 3\(d\)](#)
- I3** S. 63(1)(2) in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/31](#), [art. 4](#)
- I4** S. 63(3) in force at 1.4.2011 by [S.S.I. 2011/31](#), [art. 4](#)

[^{F8}63A] Code of practice

- (1) The professional association—
- (a) must prepare and publish a code of practice in relation to the functions of officers of court; and
 - (b) may prepare and publish such a code in relation to the undertaking of activities by such officers.
- (2) The professional association may revise the whole or any part of a code published under this section.
- (3) Where a code or any part of a code is revised under subsection (2), the professional association—
- (a) in a case where the revision results in substantial changes, must publish the revised code;
 - (b) in any other case, may publish the revised code.
- (4) The professional association must not publish a code of practice or a revised code of practice under this section without the prior approval of the Lord President of the Court of Session.
- (5) The professional association must send a copy of each code of practice published under this section to—
- (a) the Scottish Ministers;
 - (b) the Lord President of the Court of Session;
 - (c) each sheriff principal; and

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(d) each officer of court.]

Textual Amendments

F8 S. 63A inserted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 16](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

64 Duty of professional association to forward complaints ^{F9}...

Where the professional association receives a complaint about [^{F10}an officer of court] or any services provided by the officer, the association must send details of the complaint and any material which accompanies it —

- [^{F11}(a) to the Lord President of the Court of Session;
- (b) in the case of a complaint about a messenger-at-arms, to the sheriff principal from whom the messenger-at-arms holds a commission as a sheriff officer; and
- (c) in the case of a complaint about a sheriff officer, to the sheriff principal from whom the sheriff officer holds a commission.]

Textual Amendments

F9 Words in s. 64 repealed (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 17\(2\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

F10 Words in s. 64 substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 17\(1\)\(a\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

F11 Words in s. 64 substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 17\(1\)\(b\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

Commencement Information

I5 S. 64 in force at 1.4.2011 by S.S.I. 2011/31, [art. 4](#)

65 Information from professional association

The [^{F12}Lord President of the Court of Session or any sheriff principal] may require the professional association to provide any information the [^{F13}Lord President or, as the case may be, sheriff principal] considers necessary or proper for the purposes of—

- (a) any inspection under section 66 of this Act;
- (b) any investigation under section [^{F14}79(2) of the 1987 Act]; or
- [^{F15}(c) any disciplinary proceedings brought under section 79(3) of that Act.]

Textual Amendments

F12 Words in s. 65 substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 18\(a\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

F13 Words in s. 65 substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 18\(b\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

F14 Words in s. 65(b) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 18\(c\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

F15 S. 65(c) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 18\(d\)](#); S.S.I. 2011/30, art. 3(2)(3), Sch. 2

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Cross Heading: Officers of court's professional association. (See end of Document for details)

Commencement Information

16 S. 65 in force at 1.4.2011 by [S.S.I. 2011/31](#), [art. 4](#)

Changes to legislation:

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Cross Heading: Officers of court's professional association.