



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 3

### ENFORCEMENT

#### *Regulation of judicial officers*

#### **61 Regulation of judicial officers**

- (1) The Scottish Ministers may, by regulations—
  - (a) confer functions on;
  - (b) remove functions from; or
  - (c) otherwise modify the functions of, judicial officers.
- (2) The Scottish Ministers may, by regulations—
  - (a) prescribe the types of business association which judicial officers may form in order to carry out their functions;
  - (b) make provision about the ownership, membership, management and control of those business associations;
  - (c) prescribe conditions which must be satisfied by those business associations;
  - (d) make provision regulating the fees and charges which may be levied by an officer in the performance of the officer's functions.
- (3) Before making regulations under subsection (1) or (2) above, the Scottish Ministers must consult the Commission.
- (4) The Commission may make rules—
  - (a) regulating, without prejudice to sections 67 to 73 of this Act, the conduct of judicial officers;
  - (b) prohibiting the undertaking by officers of activities which appear to the Commission to be incompatible with their functions;

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) permitting, subject to any conditions the Commission provides for in the rules, the undertaking by officers for remuneration of activities, not appearing to the Commission to be incompatible with their functions;
  - (d) which make provision—
    - (i) about the accounts and finances of officers, including the keeping and auditing of officers' accounts;
    - (ii) for the keeping of records by officers and the inspection of those records; and
    - (iii) about the finding of caution by officers; and
  - (e) regulating other matters in relation to officers that the Commission considers appropriate.
- (5) A judicial officer must not undertake any activity which is not connected with the officer's functions for remuneration unless the officer obtains the permission of the Commission.
- (6) The Commission must not withhold permission under subsection (5) above unless it appears to the Commission that the undertaking by the judicial officer of the activity would be incompatible with the officer's functions.
- (7) The Commission may—
- (a) attach conditions to; or
  - (b) revoke,
- any permission granted under subsection (5) above.