Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART V

MESSENGERS-AT-ARMS AND SHERIFF OFFICERS

75 Regulation of organisation, training, conduct and procedure.

(1) The Court of Session may, by Act of Sederunt, in respect of officers of court—

(a) regulate their organisation;

(b) regulate their training and the qualifications required to obtain a commission as messenger-at-arms or sheriff officer;

(c) regulate their conduct in exercising their official functions;

(d) regulate the scope of their official functions;

(e) make provision prohibiting the undertaking by them of activities other than their official functions (referred to in this Part of this Act as "extra-official activities") which appear to the Court to be incompatible with their official functions;

(f) make provision permitting the undertaking by them for remuneration of other extra-official activities, not appearing to the Court to be incompatible as aforesaid, and the Act of Sederunt may attach conditions to any such permission;

[[F1](fa) regulate their conduct in exercising their extra-official functions;**]**

(g) prescribe the procedure in respect of applications for a commission as messenger-at-arms under section 77 of this Act or as sheriff officer;

(h) prescribe the procedure in disciplinary proceedings against them under section 79 of this Act, and provide for the remit of any such proceedings from the Court of Session to a sheriff principal, from one sheriff principal to another sheriff principal and from a sheriff principal to the Court of Session;

[[F2](ha) prescribe the procedure in relation to an appeal under section 82 of this Act;**]**

(j) make provision **[**[F3]about their accounts and finances including the keeping and**]** auditing of those accounts;

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(k) make provision for the keeping of records by them and the inspection of those records;

(l) make provision in respect of the finding of caution by them;

(m) make such other provision as may appear to the Court to be **[**[F4]appropriate**]**.

(2) No extra-official activity (not being an activity prohibited or regulated by an Act of Sederunt made under subsection (1)(e) or (f) above) may be undertaken by an officer of court for remuneration unless the officer of court obtains the permission of the sheriff principal from whom he holds a commission to his undertaking the activity, but the sheriff principal shall not withhold such permission unless it appears to him that the undertaking by the officer of court of the activity would be incompatible with the officer of court's official functions.

(3) The sheriff principal may attach conditions to **[**[F5], or revoke,**]** any permission granted by him under subsection (2) above.

Textual Amendments

F1 S. 75(1)(fa) inserted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(a)(i)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

F2 S. 75(1)(ha) inserted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(a)(ii)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

F3 Words in s. 75(1)(j) substituted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(a)(iii)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

F4 Word in s. 75(1)(m) substituted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(a)(iv)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

F5 Words in s. 75(3) inserted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(b)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

76 Advisory Council.

(1) There shall be a body, (to be known as "the Advisory Council on Messengers-at-Arms and Sheriff Officers" and in this section referred to as "the Advisory Council") whose duties shall be to advise the Court of Session on the making of Acts of Sederunt under section 75 of this Act and generally to keep under review all matters relating to officers of court.

(2) The Advisory Council shall consist of—

(a) the following persons appointed by the Lord President of the Court of Session—

(i) a judge of the Court of Session who shall act as chairman;

(ii) 2 sheriffs principal;

(iii) 2 officers of court; [F6]...

(iv) 2 solicitors**[**[F7]; and

(v) such other persons (not falling within sub-paragraphs (i) to (iv) above) as the Lord President considers appropriate.**]**

(b) one person appointed by the Lord Advocate; and

(c) the Lord Lyon King of Arms.

(3) The secretary of the Advisory Council shall be appointed by the Secretary of State.

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(4) Subject to subsections (5) and (6) below, the members of the Advisory Council appointed under paragraphs (a) and (b) of subsection (2) above shall hold office for 3 years and be eligible for reappointment.

(5) Subsection (4) above applies to members of the Advisory Council appointed under **[**[F8]sub-paragraphs (i) to (iv) of**]** paragraph (a) of subsection (2) above only so long as they respectively retain the offices or, as the case may be, qualification specified in **[**[F9]those sub-paragraphs.**]**

(6) If the Lord President or, as the case may be, the Lord Advocate is satisfied that a person appointed by him under subsection (2) above has ceased to be a fit and proper person to hold the appointment, he may terminate that person's appointment.

(7) Where a member of the Advisory Council appointed under **[**[F10]subsection (2)(a)(i) to (iv)**]** or (b) above ceases to be a member (whether by resignation or otherwise) prior to the expiry of 3 years after the date of his appointment or reappointment, the vacancy shall be filled by appointment of another person holding the same office or, as the case may be, possessing the same qualification.

(8) Subject to subsection (6) above, any person appointed in pursuance of subsection (7) above to fill a vacancy shall remain a member of the Advisory Council only until the expiry of 3 years after the date of the appointment or reappointment of the member whom he succeeded, but shall be eligible for reappointment.

(9) The Advisory Council shall have power to regulate the summoning of its meetings and the procedure at such meetings; and at any such meetings 3 members shall be a quorum.

Textual Amendments

F6 Word in s. 76(2)(a) repealed (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 3(a)(i)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

F7 S. 76(2)(a)(v) and word added (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 3(a)(ii)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

F8 Words in s. 76(5) inserted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 3(b)(i)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

F9 Words in s. 76(5) substituted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 3(b)(ii)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

F10 Words in s. 76(7) substituted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 3(c)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

77 Appointment of messenger-at-arms.

(1) The Court of Session, on an application made under this section by a sheriff officer, may find the applicant suitable to be appointed as a messenger-at-arms and recommend such appointment to the Lord Lyon King of Arms; and, on receipt of such a recommendation, the Lord Lyon King of Arms may grant the applicant a commission as a messenger-at-arms.

(2) A messenger-at-arms shall not be authorised by his commission as messenger-at-arms to execute a warrant granted by a sheriff or sheriff clerk.

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(3) A messenger-at-arms shall cease to be entitled to hold a commission as messenger-at-arms if he no longer holds a commission as a sheriff officer.

(4) Any rule of law and any other enactment regulating the appointment of messengers-at-arms shall cease to have effect.

[F11]... Inspection of work.

. . . . . .

Textual Amendments

F11 S. 78 repealed (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 Pt. 2**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

79 Investigation of alleged misconduct.

(1) This section applies where—

(a) a report under section **[**[F12]66(3) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (in this Part "the 2007 Act")**]** discloses that any officer of court may have been guilty of misconduct;

(b) a report by a sheriff or a complaint by any other person is made—

(i) to the Court of Session alleging misconduct by a messenger-at-arms;

(ii) to the sheriff principal from whom a sheriff officer holds a commission alleging misconduct by the officer;[F13]...

[[F14](ba) details of a complaint about an officer of court are sent to the Lord President of the Court of Session or a sheriff principal under section 64 of the 2007 Act;**]**

(c) any judge of the Court of Session, or a sheriff principal, has reason to believe that an officer of court may have been guilty of misconduct**[**[F15]; or

(d) any judge of the Court of Session, or a sheriff principal—

(i) becomes aware (whether by notification under subsection (1) of section 62 of the 2007 Act or otherwise) that an event mentioned in subsection (2) of that section has occurred in respect of an officer of court; and

(ii) considers that the occurrence of that event or the circumstances surrounding it, although falling short of misconduct and not involving the commission of an offence, gives rise to concerns about the officer, the officer's exercise of official functions or the officer's undertaking of extra-official activities.**]**

(2) Where this section applies, a judge nominated by the Lord President of the Court of Session, or the sheriff principal, after giving the officer of court an opportunity to admit or deny the misconduct or to give an explanation of the matter, may appoint a solicitor to investigate the matter unless the officer of court—

(a) admits the misconduct in writing, or

(b) gives a satisfactory explanation of the matter.

(3) Where the solicitor after carrying out an investigation in pursuance of subsection (2) above is of the opinion—

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(a) that there is a probable case of misconduct and that there is evidence sufficient to justify proceedings, disciplinary proceedings shall be brought at his instance against the officer of court before the relevant court;

(b) that there is not a probable case of misconduct or that there is insufficient evidence to justify proceedings, he shall report that fact to the relevant court.

(4) The solicitor shall be entitled to a fee, and to payment of his outlays incurred, in connection with an investigation, and any disciplinary proceedings brought by him, under this section.

(5) The relevant court may award expenses in any disciplinary proceedings brought under this section in favour of or against either party to the proceedings; and for the purposes of this subsection and section 45 of the [M1]Crown Proceedings Act 1947 the party bringing the proceedings shall be deemed to be the Lord Advocate.

(6) Where expenses are awarded under subsection (5) above in favour of—

(a) the officer of court, the expenses shall be recoverable by him from the Lord Advocate;

(b) the Lord Advocate, the expenses shall be recoverable from the officer of court by the Lord Advocate.

[F16](7) . . . . . .

(8) In this section "the relevant court" means whichever of the Court of Session or the sheriff principal made the appointment under subsection (2) above.

(9) In this section and section 80 of this Act "misconduct" includes

[[F17](a)**]** conduct tending to bring the office of messenger-at-arms or sheriff officer into disrepute;

[[F18](b) failure to notify the Lord President of the Court of Session or the sheriff principal under subsection (1) of section 62 of the 2007 Act of the occurrence of an event mentioned in subsection (2) of that section;

(c) failure to provide information mentioned in subsection (1A) of section 63 of that Act required by virtue of regulations made under subsection (1) of that section;

(d) failure to comply with any code of practice or revised code of practice published under section 63A of that Act; and

(e) where a fee is due by virtue of rules made under subsection (1) of section 65A of that Act and a date as mentioned in subsection (2)(a) of that section has been specified by the rules, failure to pay the fee within 3 months of that date.**]**

Textual Amendments

F12 Words in s. 79(1)(a) substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 4(a)(i)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F13 Word in s. 79(1) repealed (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 4(a)(ii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F14 S. 79(1)(ba) inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 4(a)(iii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F15 S. 79(1)(d) and word added (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 4(a)(iv)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F16 S. 79(7) repealed (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 4(b)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

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F17 S. 79(9)(a): words in s. 79(9) renumbered as s. 79(9)(a) (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 4(c)(i)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F18 S. 79(9)(b)-(e) added (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 4(c)(ii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

Marginal Citations

M1 1947 c. 44.

80 Courts' powers in relation to offences or misconduct.

(1) Where the Court of Session becomes aware that a messenger-at-arms has been convicted by a court of any offence, it may make

[[F19](a)**]** an order finding that the messenger-at-arms should be suspended from practice for such period as may be specified in the order, or deprived of office;

[[F20](b) an order mentioned in paragraph (aa) or (c) of subsection (5) below.**]**

(2) Where the sheriff principal from whom a sheriff officer holds a commission becomes aware that the sheriff officer has been convicted by a court of any offence, the sheriff principal may make

[[F21](a)**]** an order suspending the sheriff officer from practice for such period as may be specified in the order, or depriving him of office, in that sheriffdom;

[[F22](b) an order in relation to the sheriff officer of a kind mentioned in paragraph (aa) or (c) of subsection (5) below.**]**

(3) Subsections (1) and (2) above are without prejudice to section 4(3)(b) of the [M2]Rehabilitation of Offenders Act 1974; and in those subsections "offence" means any offence of which the officer of court has been convicted before or after he was granted a commission as an officer of court, other than any offence disclosed in his application for such a commission.

[[F23](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.**]**

(4) Where—

(a) a messenger-at-arms admits in writing that he is guilty of misconduct; or

(b) the Court of Session at the end of disciplinary proceedings under section 79(3)(a) of this Act is satisfied that a messenger-at-arms is guilty of misconduct,

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the Court of Session may make one or more of the orders specified in subsection (5) below.

[[F24](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.**]**

(5) The orders referred to in subsection (4) above are—

(a) an order finding that the messenger-at-arms should be suspended from practice for such period as may be specified in the order, or deprived of office;

[[F25](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;**]**

(b) an order imposing a fine on the messenger-at-arms not exceeding £2,500 or such sum as may be prescribed in regulations made by the Lord Advocate;

(c) an order censuring the messenger-at-arms;

(d) if the misconduct consists of, or includes, the charging of excessive fees or outlays, an order decerning for repayment by the messenger-at-arms of the fees or outlays, to the extent that they were excessive, to the person who paid them.

(6) Where—

(a) a sheriff officer admits in writing that he is guilty of misconduct; or

(b) the sheriff principal at the end of disciplinary proceedings under section 79(3)(a) of this Act is satisfied that a sheriff officer is guilty of misconduct,

the sheriff principal may make one or more of the orders specified in subsection (7) below.

[[F26](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.**]**

(7) The orders referred to in subsection (6) above are—

(a) an order suspending the sheriff officer from practice for such period as may be specified in the order, or depriving him of office, in that sheriffdom;

(b) an order in relation to the sheriff officer of a kind mentioned in **[**[F27]subsection (5)(aa), (b),**]** (c) or (d) above.

(8) Where an officer of court fails to comply with an order under this section imposing a fine on him, the Court of Session or, as the case may be, the sheriff principal may make an order—

(a) decerning for payment of the fine, and an extract of any such order shall contain a warrant in the form prescribed by Act of Sederunt which shall have the same effect as an extract of a decree for payment of money pronounced by the Court of Session; or

(b) of the kind specified in subsection (5)(a) or, as the case may be, (7)(a) above.

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(9) Any fine imposed under this section shall be recoverable by the Lord Advocate.

Textual Amendments

F19 S. 80(1)(a): words in s. 80(1) renumbered as s. 80(1)(a) (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(a)(i)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F20 S. 80(1)(b) added (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(a)(ii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F21 S. 80(2)(a): words in s. 80(2) renumbered as s. 80(2)(a) (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(b)(i)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F22 S. 80(2)(b) added (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(b)(ii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F23 S. 80(3A)(3B) inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(c)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F24 S. 80(4A) inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(d)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F25 S. 80(5)(aa) inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(e)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F26 S. 80(6A) inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(f)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F27 Words in s. 80(7)(b) substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 5(g)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

Marginal Citations

M2 1974 c. 53.

81 Provisions supplementary to section 80.

(1) The Court of Session shall cause intimation to be made of any order of the Court of Session under **[**[F28]section 80(1)(a), (3A), (4), (4A)**]** or (8)(b) of this Act to—

(a) every sheriff principal from whom the messenger-at-arms holds a commission as a sheriff officer;

(b) the Lord Lyon King of Arms;

[[F29](c) the professional association designated under section 63(1) of the 2007 Act.**]**

(2) The sheriff principal shall cause intimation to be made of any order made by him under **[**[F30]section 80(2)(a), (3B), (6), (6A)**]** or (8)(b) of this Act—

(a) to every other sheriff principal from whom the sheriff officer holds a commission as a sheriff officer; [F31]...

(b) if the sheriff officer is a messenger-at-arms, to the Court of Session and the Lord Lyon King of Arms**[**[F32], and

(c) the professional association designated under section 63(1) of the 2007 Act.**]**

(3) On intimation under this section of an order under **[**[F33]section 80(1)(a), (2)(a), (3A), (3B)**]** or (8)(b) of this Act or of an order under subsection (4) or (6) of that section specified respectively in subsection (5)(a) or (7)(a) thereof **[**[F34]or of an order under subsection (4A) or (6A) of that section specified respectively in subsection (5)(a) or (7)(a) thereof**]**—

(a) to a sheriff principal, he shall make an order suspending the sheriff officer concerned from practice until the expiry of the period for which he has been

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suspended by the order so intimated, or (as the case may be) depriving him of office, in the sheriffdom;

(b) to the Lord Lyon King of Arms, he shall—

(i) in the case of an order intimated under subsection (1) above, suspend the messenger-at-arms concerned from practice for the period specified in the order or (as the case may be) deprive him of office; or

(ii) in the case of an order intimated under subsection (2) above, suspend the messenger-at-arms from practice until the expiry of the period for which he has been suspended by the order so intimated or (as the case may be) deprive him of office.

(4) It shall not be competent for the Lord Lyon King of Arms to discipline a messenger-at-arms or suspend him from practice or deprive him of office except in accordance with subsection (3)(b) above.

Textual Amendments

F28 Words in s. 81(1) substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 6(a)(i)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F29 S. 81(1)(c) added (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 6(a)(ii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F30 Words in s. 81(2) substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 6(b)(i)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F31 Word in s. 81(2) repealed (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 6(b)(ii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F32 S. 81(2)(c) and word added (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 6(b)(iii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F33 Words in s. 81(3) substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 6(c)(i)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F34 Words in s. 81(3) inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 6(c)(ii)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

82 Appeals from decisions under sections [F35 77, 79 and 80].

F36 …

[F37(1)] An appeal to the Inner House of the Court of Session may be made against any decision of a Lord Ordinary or a sheriff principal under[F38section 77(1),] section 79(5) or section 80(1), (2), [F39(3A), (3B), (4), (4A), (6), (6A) or (8)(b)] of this Act

[F40(2) The decision of the Inner House on an appeal under subsection (1) shall be final.]

Textual Amendments

F35 Words in s. 82 sidenote substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 7(2)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F36 Words in s. 82 repealed (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 7(1)(d)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F37 S. 82(1): words in s. 82 renumbered as s. 82(1) (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 7(1)(a)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

Changes to legislation: *Debtors (Scotland) Act 1987, PART V is up to date with all changes known to be in force on or before 26 May 2024. 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) View outstanding changes*

F38 Words in s. 82(1) inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 7(1)(b)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F39 Words in s. 82(1) substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 7(1)(c)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

F40 S. 82(2) inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 7(1)(e)**; S.S.I. 2011/30, art. 3(2)(3), sch. 2

[F41]83 Service of charge and execution of diligence or warrant void where officer of court has interest.

. . . . . .

Textual Amendments

F41 S. 83 repealed (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 Pt. 2**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

84 Collection of statistics from officers of court.

(1) The Lord Advocate may require any officer of court to provide information, in such form and at such times as he may specify, regarding the officer of court's official functions.

(2) Subject to subsection (3) below, the Lord Advocate may publish, in such form as he thinks fit, information provided under subsection (1) above.

(3) Information published under subsection (2) above shall not be in a form which identifies or enables the identification of officers of court or persons against whom diligence has been executed.

85 Measure of damages payable by officer of court for negligence or other fault.

There shall cease to have effect any rule of law whereby, if an officer of court has been found liable to a creditor for negligent delay or failure to execute diligence, or for other fault in the execution of diligence, the damages payable by the officer of court are determined solely by reference to the amount of the debt.

86 Official identity card.

(1) An official identity card shall be issued to every officer of court by or on behalf of the person from whom he holds his commission.

(2) When carrying out his official functions an officer of court shall exhibit his identity card on being requested to do so.

[[F42]86A Electronic communications

In this Part, any reference to an admission in writing includes a reference to that admission being an electronic communication (within the meaning given by section 15(1) of the Electronic Communications Act 2000 (c. 7)).**]**

Changes to legislation: *Debtors (Scotland) Act 1987, PART V is up to date with all changes known to be in force on or before 26 May 2024. 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) View outstanding changes*

Textual Amendments

F42 S. 86A inserted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 8**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

Changes to legislation:
Debtors (Scotland) Act 1987, PART V is up to date with all changes known to be in force on or before 26 May 2024. 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.
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Changes and effects yet to be applied to :

– Pt. 5 repealed by 2007 asp 3 Sch. 6 Pt. 1 (This amendment not applied to legislation.gov.uk. Entry in sch. 6 repealed (31.1.2011) by 2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3(1), Sch. 1)

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 (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

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

– s. 8(1)(d)(e) substituted for s. 8(1)(d) by 2007 asp 3 Sch. 5 para. 16(7)(a)(v)