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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 355**

**COURT OF SESSION  
SHERIFF COURT**

**Act of Sederunt (Messengers-at-Arms and  
Sheriff Officers Rules) (Amendment) 2022**

*Made* - - - - 28th November 2022  
*Laid before the Scottish  
Parliament* - - - - 30th November 2022  
*Coming into force* - - 28th December 2022

The Court of Session makes this Act of Sederunt under the powers conferred by section 75(1) of the Debtors (Scotland) Act 1987(1) and all other powers enabling it to do so.

**Citation and commencement, etc.**

**1.**—(1) This Act of Sederunt may be cited as the Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) (Amendment) 2022.

(2) It comes into force on 28th December 2022.

(3) A certified copy is to be inserted in the Books of Sederunt.

**Amendment of the Messengers-at-Arms and Sheriff Officers Rules 1991**

**2.**—(1) The Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991(2) is amended in accordance with this paragraph.

(2) In rule 2(1) (interpretation)(3) for the definition of “Policy” substitute—

““Policy” means a policy of professional indemnity insurance referred to in rule 9(1)(b);”.

(3) In rule 7(5) (applications for recommendation for commission as messenger-at-arms)(4), omit “Subject to rule 11(10) below,”.

(4) In rule 8(6) (application for commission as sheriff officer) omit “and rule 11(11)”.

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(1) 1987 c. 18. Section 75 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 4, paragraph 2.  
(2) S.I. 1991/1397, last amended by S.S.I. 2017/240.  
(3) Rule 2(1) was amended by S.I. 1998/2636.  
(4) Rule 7(5) was amended by S.I. 1998/2636.

- (5) In rule 9 (caution and professional indemnity insurance)(5)—
  - (a) in the heading, omit “**Caution and**”;
  - (b) omit paragraph (1)(a);
  - (c) in paragraph (2)—
    - (i) for “The bond of caution and policy” substitute “A policy”;
    - (ii) omit “shall be incorporated in a single document and”;
    - (iii) omit sub-paragraph (b).
- (6) In rule 10(1) (renewals of policy)(6) omit “from a person referred to in rule 9(2)(b) above”.
- (7) Omit rule 11 (transitional provisions)(7) and schedule 2 (transitional provisions).
- (8) In rule 28 (suspension under particular rules)(8)—
  - (a) in paragraph (1), omit “, 11(7)(a)”;
  - (b) in paragraph (2), omit “, 11(7)(b)”;
  - (c) in paragraph (5), omit “, 11(7)”.

### **Revocation**

**3.** The Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules Amendment) (Caution and Insurance) 2005(9) is revoked.

Edinburgh  
28th November 2022

*CJM SUTHERLAND*  
Lord President  
I.P.D.

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(5) Rule 9(2)(b) was substituted by [S.S.I. 2005/199](#).  
(6) Rule 10(1) was amended by [S.S.I. 2005/199](#).  
(7) Rule 11 was amended by [S.I. 1998/2636](#).  
(8) Rule 28(5) was amended by [S.I. 1998/2636](#).  
(9) [S.S.I. 2005/199](#).

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## EXPLANATORY NOTE

*(This note is not part of the Act of Sederunt)*

This Act of Sederunt amends the Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991. Paragraph 2 amends rule 9 by revoking the requirement for an officer of court (messenger-at-arms or sheriff officer) to be covered by a bond of caution, omits rule 11 and schedule 2 and makes related consequential amendments.

Paragraph 3 revokes the Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules Amendment) (Caution and Insurance) 2005.