



Execution of Diligence (Scotland) Act 1926

1926 CHAPTER 16 16 and 17 Geo 5

3 Authorisation by sheriff to do diligence in certain cases.

Where an extract decree or warrant granted by any court in Scotland is presented to the sheriff within whose jurisdiction such decree or warrant requires to be executed, and the sheriff is satisfied that no messenger-at-arms or sheriff officer is reasonably available to execute such decree or warrant, the sheriff may, if he shall think fit, grant authority to any person whom he may deem suitable (but not including the ^[F1]solicitor] of the party presenting the extract decree or warrant) to execute such decree or warrant, and the person so authorised shall as regards any diligence or execution competent on such decree or warrant have all the powers of a messenger-at-arms or sheriff officer.

Textual Amendments

- F1** Word in s. 3 substituted (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 5 para. 7\(3\)\(b\)](#) (with s. 223); [S.S.I. 2009/67](#), art. 3(2)(3), [Sch. 1](#) (with arts. 4-6) (as amended (31.1.2011) by [S.S.I. 2011/31](#), art. 5(b))

Changes to legislation:

There are currently no known outstanding effects for the Execution of Diligence (Scotland) Act 1926, Section 3.