

*These notes relate to the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) which received Royal Assent on 15 January 2007*

# **BANKRUPTCY AND DILIGENCE ETC. (SCOTLAND) ACT 2007**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary*

*Schedule 2 – the Scottish Civil Enforcement Commission (Introduced by Section 50)*

#### **Miscellaneous**

#### *Section 77 – Effect of code of practice*

232. *Section 77(1)* provides that a judicial officer must exercise that officer's functions and undertake that officer's activities with regard to any code of practice published by the Commission under section 55 or 56.
233. Subsection (2) provides that failure to comply with a code of practice in itself will not cause a judicial officer to be prosecuted or liable to any civil proceedings.
234. Subsections (3) and (4) provide that a code of practice will, however, be allowed as evidence in any criminal or civil proceedings. Where a court or tribunal conducting civil or criminal proceedings, or the disciplinary committee of the Commission holding a hearing, considers a code of practice to be relevant to any question arising in the proceedings, the code can be taken into account when determining that question.