



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 3

### [<sup>F1</sup>OFFICERS OF COURT]

#### *[<sup>F1</sup>Officers of court's] professional association*

#### Textual Amendments

- F1** Words in crossheading preceding s. 63 substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 15\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1

#### 63 [<sup>F2</sup>Officers of court's] professional association

- (1) The Scottish Ministers, by regulations—
- must designate an association [<sup>F3</sup>(in this Part, the “professional association”)] as the professional association for [<sup>F4</sup>officers of court]; and
  - may make provision in relation to the functions, constitution and procedures of the professional association.

[<sup>F5</sup>(1A) Regulations under subsection (1) may require an officer of court to provide such information as the professional association reasonably considers necessary.]

- (2) The Scottish Ministers may not make regulations under subsection (1) above without first consulting—
- [<sup>F6</sup>(a) the Lord President of the Court of Session;
  - (aa) each sheriff principal;
  - (b) representatives of the professional association or, as the case may be, proposed professional association; and
  - (c) such other bodies or persons who appear to the Scottish Ministers to have an interest.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy and Diligence etc. (Scotland) Act 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) A person may not hold a commission as [<sup>F7</sup>an officer of court] unless that person is a member of the professional association.

#### Textual Amendments

- F2** Words in s. 63 title substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#) , s. 134(7) , [Sch. 4 para. 15\(2\)](#) ; S.S.I. 2011/30 , art. 3(1)(3) , Sch. 1
- F3** Words in s. 63(1)(a) inserted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#) , s. 134(7) , [Sch. 4 para. 15\(1\)\(a\)\(i\)](#) ; S.S.I. 2011/30 , art. 3(1)(3) , Sch. 1
- F4** Words in s. 63(1)(a) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#) , s. 134(7) , [Sch. 4 para. 15\(1\)\(a\)\(ii\)](#) ; S.S.I. 2011/30 , art. 3(1)(3) , Sch. 1
- F5** S. 63(1A) inserted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#) , s. 134(7) , [Sch. 4 para. 15\(1\)\(b\)](#) ; S.S.I. 2011/30 , art. 3(1)(3) , Sch. 1
- F6** S. 63(2)(a) (aa) substituted for s. 63(2)(a) (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#) , s. 134(7) , [Sch. 4 para. 15\(1\)\(c\)](#) ; S.S.I. 2011/30 , art. 3(1)(3) , Sch. 1
- F7** Words in s. 63(3) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#) , s. 134(7) , [Sch. 4 para. 15\(1\)\(d\)](#) ; S.S.I. 2011/30 , art. 3(1)(3) , Sch. 1

#### Commencement Information

- I1** S. 63 not in force at Royal Assent see s. 227; s. 63(1)(2) in force for certain purposes at 1.4.2008 by [S.S.I. 2008/115](#) , [art. 3\(4\)](#) , [Sch. 3](#) (with arts. 4-6 , 10 )
- I2** S. 63(1)(2) in force at 31.1.2011 for specified purposes by [S.S.I. 2011/31](#) , [art. 3\(d\)](#)
- I3** S. 63(1)(2) in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/31](#) , [art. 4](#)
- I4** S. 63(3) in force at 1.4.2011 by [S.S.I. 2011/31](#) , [art. 4](#)

### [<sup>F8</sup>63A Code of practice

- (1) The professional association—
- (a) must prepare and publish a code of practice in relation to the functions of officers of court; and
  - (b) may prepare and publish such a code in relation to the undertaking of activities by such officers.
- (2) The professional association may revise the whole or any part of a code published under this section.
- (3) Where a code or any part of a code is revised under subsection (2), the professional association—
- (a) in a case where the revision results in substantial changes, must publish the revised code;
  - (b) in any other case, may publish the revised code.
- (4) The professional association must not publish a code of practice or a revised code of practice under this section without the prior approval of the Lord President of the Court of Session.
- (5) The professional association must send a copy of each code of practice published under this section to—
- (a) the Scottish Ministers;
  - (b) the Lord President of the Court of Session;
  - (c) each sheriff principal; and

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy and Diligence etc. (Scotland) Act 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(d) each officer of court.]

#### Textual Amendments

**F8** S. 63A inserted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 para. 16**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

### 64 Duty of professional association to forward complaints <sup>F9</sup>...

Where the professional association receives a complaint about [<sup>F10</sup>an officer of court] or any services provided by the officer, the association must send details of the complaint and any material which accompanies it —

- [<sup>F11</sup>(a) to the Lord President of the Court of Session;
- (b) in the case of a complaint about a messenger-at-arms, to the sheriff principal from whom the messenger-at-arms holds a commission as a sheriff officer; and
- (c) in the case of a complaint about a sheriff officer, to the sheriff principal from whom the sheriff officer holds a commission.]

#### Textual Amendments

**F9** Words in s. 64 repealed (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 para. 17(2)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

**F10** Words in s. 64 substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 para. 17(1)(a)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

**F11** Words in s. 64 substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 para. 17(1)(b)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

#### Commencement Information

**I5** S. 64 in force at 1.4.2011 by S.S.I. 2011/31, **art. 4**

### 65 Information from professional association

The [<sup>F12</sup>Lord President of the Court of Session or any sheriff principal] may require the professional association to provide any information the [<sup>F13</sup>Lord President or, as the case may be, sheriff principal] considers necessary or proper for the purposes of—

- (a) any inspection under section 66 of this Act;
- (b) any investigation under section [<sup>F14</sup>79(2) of the 1987 Act]; or
- [<sup>F15</sup>(c) any disciplinary proceedings brought under section 79(3) of that Act.]

#### Textual Amendments

**F12** Words in s. 65 substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 para. 18(a)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

**F13** Words in s. 65 substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 para. 18(b)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

**F14** Words in s. 65(b) substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 para. 18(c)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

**F15** S. 65(c) substituted (1.4.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 para. 18(d)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

---

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to Bankruptcy and Diligence etc. (Scotland) Act 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

#### **Commencement Information**

**16** S. 65 in force at 1.4.2011 by [S.S.I. 2011/31](#), [art. 4](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy and Diligence etc. (Scotland) Act 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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](#)
- Act applied (with modifications) by [S.I. 2021/716 Sch. 3 para. 23](#)