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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 31 (C. 6)**

**COURT OF SESSION**

**DEBT**

**SHERIFF COURT**

**The Bankruptcy and Diligence etc. (Scotland) Act 2007**  
**(Commencement No. 7 and Transitionals) Order 2011**

*Made - - - - 20th January 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 224(2) and 227(3) and (4) of the Bankruptcy and Diligence etc. (Scotland) Act 2007<sup>(1)</sup>.

**Citation**

1. This Order may be cited as the Bankruptcy and Diligence etc. (Scotland) Act 2007 (Commencement No. 7 and Transitionals) Order 2011.

**Interpretation**

2. In this Order, “the Act” means the Bankruptcy and Diligence etc. (Scotland) Act 2007.

**Appointed day – enforcement**

3. The following provisions of the Act, in so far as not already in force, come into force on 31st January 2011:—

- (a) section 51(2), (3)(b), (4) and (5);
- (b) section 53;
- (c) section 61(1) to (3);
- (d) section 63(1) and (2) only for the purposes of making regulations;
- (e) section 66;
- (f) section 75;
- (g) sections 77 and 78; and

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<sup>(1)</sup> 2007 asp 3.

- (h) schedule 5, paragraph 7(2)(c) (amendment of the Execution of Diligence (Scotland) Act 1926(2)) and section 226(1) in so far as relating to that amendment.

**Appointed day – enforcement**

4. Sections 62 to 65 of the Act, in so far as not already in force, come into force on 1st April 2011.

**Revocation of transitional modifications – references to “judicial officer”**

5. Article 4 of each of the following orders is revoked with effect from 31st January 2011:—
- (a) the Bankruptcy and Diligence etc. (Scotland) Act 2007 (Commencement No. 3, Savings and Transitionals) Order 2008(3);
  - (b) the Bankruptcy and Diligence etc. (Scotland) Act 2007 (Commencement No. 4, Savings and Transitionals) Order 2009(4); and
  - (c) the Bankruptcy and Diligence etc. (Scotland) Act 2007 (Commencement No. 5 and Transitional) Order 2009(5).

St Andrew’s House,  
Edinburgh  
20th January 2011

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

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(2) 1926 c.16.  
(3) S.S.I. 2008/115.  
(4) S.S.I. 2009/67.  
(5) S.S.I. 2009/369.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (“the Act”).

Article 3 brings provisions of Part 3 of the Act (enforcement) on the regulation of officers of court into force on 31st January 2011. Article 4 brings further provisions of that Part in relation to the conduct of officers of court into force on 1st April 2011.

Provisions of Part 3 of the Act brought into force by this Order are amended by schedule 4 to the Public Services Reform (Scotland) Act 2010 (asp 8) (“the 2010 Act”). Those amendments abolish the Scottish Civil Enforcement Commission, replace references to “judicial officers” in the Act with references to messengers-at-arms and sheriff officers and make other changes to the supervisory and regulatory structures for officers of court.

Article 5 revokes transitional arrangements for references to “judicial officer” superseded by the amendments made in schedule 4 to the 2010 Act.

The Act received Royal Assent on 15th January 2007. Sections 224, 225 and 227 of the Act came into force on Royal Assent and section 222 came into force on the day after Royal Assent.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
s.211	8th March 2007	2007/82
s.212(1), (2) to (6) (partially)		
s.221		
s.223		
s.36 (partially)	31st March 2007	2007/82
s.212(1), (8) to (16) (partially)		
sch. 1, para. 42(a)		
sch. 5, para. 30(1), (5) to (8)(a), (10), (11)(a)(ii) and (b) and (15) (partially)		
s.20	19th February 2007	2008/45
s.35		
ss.1 to 17	1st April 2008	2008/115
s.18(1) to (4)		
ss.19 and 20		
ss.22 to 24		
s.25(a)		

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
s.25(b) (partially)		
s.36 (partially)		
s.169 (partially)		
ss.170 and 171		
s.173		
ss.199 to 205		
s.206 (partially)		
s.208		
ss.209 and 210		
sch.1, paras. 1 to 40		
sch.1, para. 41(b)		
sch.1, paras. 42 and 43		
sch.1, para. 44(partially)		
sch.1, paras. 45 to 62		
sch.5, para. 10 (partially)		
sch.5, para. 12		
sch.5, para. 13 (partially)		
sch.5, para. 16 (partially)		
sch.5, para. 26 (partially)		
sch.5, para. 30 (partially)		
sch.6, Part 1 (partially)		
sch.6, Part 2		
ss.21(3), (4) and (7), 25(a), 37(7) and (8), 50(4) and (5), 58(5)(c), 61(1), (2) and (3), 63(1) and (2), 75(7), 81(7), 83(1)(a) and (3)(b), 88(3) (a), 91(2), (3)(b), (4)(a), (4)(c)(vi), (5)(f) and (7), 96(5), 97(7), 98(6), 106(2) and (4), 108(2) and (8), 111(2)(b), 113(2)(a), 114(4), 117(2), (7)(b) and (8)(a), 120(5), 123(2)(a) and (5), 124(2), 128(3), 129, 130(2)(a), 133(2)(a), 135(2)(a) and (d)(ii), 140(2)(a) and (5), 143(5), 145(2), 146(9), 148(3), 149, 162, 164(1) and (2), 175(3), 176(1)(c), 179(2)(a)(i), 182(2)(a), 183(3)(a) and (7)(a), 185(4), 188(4)(a), 189(3) (a), 196(2), 198(2), 206, 214(4), 215, 216(6), 217(1)(c), 220, sch.2, para. 22, sch. 3, para. 4, sch. 5, para. 13(3)(f) and (g), sch.5, para. 30(4) (for the purposes of making regulations or orders)		
ss.146 to 164	22nd April 2009	2009/98

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
s.165(1), (3) and (4)		
s.166 to 168		
s.169 (partially)		
s.206 (partially)		
sch.5, para. 5		
sch.5, para. 7 (partially)		
sch.5, para. 13 (partially)		
sch.5, para. 16 (partially)		
sch.5, para. 18 (partially)		
sch.5, para. 22 (partially)		
sch.5, para. 29 (partially)		
sch.5, para. 30 (partially)		
ss. 174 to 198	23rd November 2009	<a href="#">2009/369</a>
s.226(1) (partially)		
sch 3		
sch 5, para. 1 to 2		
sch 5, para. 4 (partially)		
sch 5, para. 6(1) and (2) (partially)		
sch 5, para. 8 to 9		
sch 5, para. 10 (partially)		
sch 5, para. 13(1) and (3)(c)(i) and (d)(i), (iii) and (iv) (partially)		
sch 5, para. 15		
sch 5, para. 16(1), (2)(a) and (4) (partially)		
sch 5, para. 16(7)(a)(iii)		
sch 5, para. 16(8)(a) and (11)(2) and (b) (partially)		
sch 5, para. 17		
sch 5, para. 19 to 20		
sch 5, para. 23 to 24		
sch 5, para. 26(1) (partially)		
sch 5, para. 26(2)		
sch 5, para. 26(3) (partially)		
sch 5, para. 30(1) (partially)		
sch 5, para. 30(3)		

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
sch 5, para. 32	1st July 2010	<a href="#">2010/249</a>
s.213		
sch.4		