
STATUTORY INSTRUMENTS

1991 No. 1397

Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991

PART II

QUALIFICATIONS, TRAINING AND EXAMINATIONS

Qualification as officer of court

- 3.—(1) Subject to paragraph (3) below, a person may not be an officer of court unless—
- (a) he has attained the age of 20 years;
 - (b) he is not over the age of 70 years;
 - (c) subject to rule 5(2) below, he has undergone a period of training for three years with a person who is in practice as an officer of court;
 - (d) the officer of court with whom he has undergone a period of training has issued a certificate stating that the period of training has been completed satisfactorily;
 - (e) within five years before applying for a commission as a sheriff officer, he has passed all such examinations as may be required by the committee of examiners; and
 - (f) he has attained the educational standard determined by the committee of examiners.

(2) An officer of court shall retire from practice as an officer of court on attaining the age of 70 years.

(3) Paragraph (1) of this rule shall not apply to a person who was in practice as an officer of court on 30th November 1988.

(4) Paragraph (2) of this rule shall not apply to a person who was—

- (a) in practice as an officer of court, and
- (b) aged 70 years or over,

on 30th November 1988.

Qualification as messenger-at-arms

4.—(1) A sheriff officer may not become a messenger-at-arms unless—

- (a) subject to paragraph (2) below, he has been in practice as a sheriff officer for a period of not less than two years; and
- (b) within five years before applying to the Court of Session for recommendation for appointment as a messenger-at-arms, he has passed all such examinations as may be required by the committee of examiners.

(2) The Court of Session may, in an application to which rule 7 below applies, on special cause shown, reduce the period of practice required under paragraph (1)(a) above.

Training

5.—(1) An officer of court shall be responsible for the training required by rule 3(1)(c) above of any person whom he employs for the purpose of becoming an officer of court.

(2) The sheriff principal of the sheriffdom to whom an application for a first commission as a sheriff officer under rule 8(1) below is made may, having regard to the previous experience of the applicant, on the written application of that person, reduce the period of training to a period of not less than one year.

Examinations

6.—(1) The Society shall appoint a committee of examiners to examine any person who seeks to apply to become an officer of court.

(2) The committee of examiners shall consist of not more than five persons of whom—

- (a) not more than three shall be members of the Society nominated by the Society;
- (b) one shall be a solicitor nominated by the Law Society of Scotland; and
- (c) one shall not be a member of the Society but shall be nominated by the Society,

in consultation with the sheriffs principal and approved by the Lord President.

(3) The committee of examiners, in consultation with the Society, shall be responsible for—

- (a) determining the educational standard required of candidates;
- (b) setting examination papers; and
- (c) regulating and fixing fees for examinations.