



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 3

### ENFORCEMENT

#### *Abolition of offices of messenger-at-arms and sheriff officer*

#### **60 Abolition of offices of messenger-at-arms and sheriff officer**

- (1) The offices of messenger-at-arms and sheriff officer are abolished.
- (2) Any person who, immediately before the day on which this section comes into force, holds a commission as a messenger-at-arms or sheriff officer is deemed, from that day, to hold a commission as a judicial officer as if granted under section 57(2) of this Act.
- (3) Notwithstanding subsection (1) above and subject to subsection (4) below, a judicial officer may carry out any function which, under any rule of law, it was competent for a messenger-at-arms or sheriff officer to carry out.
- (4) Subsection (3) above applies only in so far as the function is not inconsistent with any provision of this Act or any other enactment.
- (5) References in any enactment (other than the references in the enactments mentioned in subsection (6) below) to—
  - (a) a “messenger-at-arms”;
  - (b) a “sheriff officer”; and
  - (c) an “officer of court”,are to be construed as references to a judicial officer.
- (6) Those enactments are—
  - (a) section 18 of the Confirmation of Executors (Scotland) Act 1858 (c. 56) (power to make Acts of Sederunt for the purposes of the Act);
  - (b) section 13 of the Heritable Securities (Scotland) Act 1894 (c. 44) (trustees or others to have powers conferred by the Act where debtor incapacitated);

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*Status: This is the original version (as it was originally enacted).*

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- (c) section 18(1) of the Company Directors Disqualification Act 1986 (c. 46) (Secretary of State's power to require particulars of disqualification orders or undertakings); and
- (d) section 127(1) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (Clerk of Justiciary to furnish forms etc. relating to appeals).