



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 3

[^{F1}OFFICERS OF COURT]

Miscellaneous

77 Effect of code of practice

- (1) [^{F1}An officer of court] must, in exercising the officer's functions or undertaking any activities, have regard to the provisions (so far as they are applicable) of any code of practice published under section [^{F2}63A] of this Act.
- (2) A failure on the part of [^{F3}an officer of court] to comply with any provision of a code of practice does not of itself render the officer liable to any criminal or civil proceedings.
- (3) A code of practice is admissible in evidence in any criminal or civil proceedings.
- (4) If any provision of a code of practice appears to—
 - (a) the court or tribunal conducting any civil or criminal proceedings; or
 - [^{F4}(b) a relevant court (within the meaning of subsection (8) of section 79 of the 1987 Act (investigation of alleged misconduct)) in disciplinary proceedings under that section;]to be relevant to any question arising in the proceedings, that provision of the code may be taken into account in determining that question.

Textual Amendments

- F1** Words in s. 77(1) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 22\(a\)\(i\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F2** Word in s. 77(1) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 22\(a\)\(ii\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F3** Words in s. 77(2) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 22\(b\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 77. (See end of Document for details)

F4 S. 77(4)(b) substituted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), Sch. 4 para. 22(c); S.S.I. 2011/30, art. 3(1)(3), Sch. 1

Commencement Information

I1 S. 77 in force at 31.1.2011 by S.S.I. 2011/31, art. 3(g)

Changes to legislation:

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 77.