

2013 No. 23

COURT OF SESSION

SHERIFF COURT

**Act of Sederunt (Messengers-at-Arms and Sheriff Officers
Rules) (Amendment) 2013**

Made - - - - - *29th January 2013*
Laid before the Scottish Parliament *31st January 2013*
Coming into force - - - *18th March 2013*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 75 of the Debtors (Scotland) Act 1987(a) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation, commencement etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) (Amendment) 2013.

(2) It comes into force on 18th March 2013.

(3) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Amendment of 1991 Rules

2.—(1) The Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991(b) is amended in accordance with the following subparagraphs.

(2) After rule 5 (training) insert—

“Continuous professional development

5A. Where the Society sets down training for officers of court in respect of their continuous professional development it shall be compulsory.”

(3) After rule 6(3) (examinations) insert—

“(4) Members of the committee of examiners shall hold office for three years and be eligible for reappointment.”

(4) In rule 14(5)(a) and (b) (official functions) for “section 735(1) of the Companies Act 1985” substitute “section 1(1) of the Companies Act 2006”.

(a) 1987 c.18. Section 75 was amended by the Public Services (Scotland) Act 2010 (asp 8), Schedule 4, Part 1, paragraph 2(a) and (b).

(b) S.I. 1991/1397 last amended by S.S.I. 2005/199.

- (5) In rule 15(3) (extra-official activities) for paragraphs (f) to (h) substitute—
- “(f) a member of the United Kingdom Parliament, Scottish Parliament or European Parliament;
 - (g) a money lender;
 - (h) a police officer; or
 - (i) an insolvency practitioner.”
- (6) After rule 18 (intimation of information by officers of court for registers) insert—

“Transmission of information to the Society

18A. For the purposes of keeping and maintaining a register of members—

- (a) the contents of each register mentioned in rule 17 shall, when requested by the Society, be intimated to the Society by the nominated sheriff clerk or, as the case may be, the Lyon Clerk;
- (b) any intimation or notice mentioned in rule 18 shall, at the same time, also be given to the Society.”.

BRIAN GILL
Lord President
I.P.D.

Edinburgh
29th January 2013

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991 in respect of several matters.

Paragraph 2(2) of the Act of Sederunt provides that Continuous Professional Development which is set down by the Society of Messengers-at-Arms and Sheriff Officers shall be compulsory.

Paragraph 2(3) of the Act of Sederunt inserts a rule into the section of the 1991 Rules dealing with examinations. This provides that members of the Board of Examiners can be reappointed after an initial period of three years in office.

Paragraph 2(4) of the Act of Sederunt alters the 1991 Rules to change out of date references to the Companies Act 1985 to reflect the legislation which is now relevant, the Companies Act 2006.

Paragraph 2(5) of the Act of Sederunt updates the 1991 Rules to include “Member of the Scottish Parliament” in the list of extra-official activities which must not be undertaken by Officers of Court. Paragraph 2(5) also adds “insolvency practitioner” to this list.

Paragraph 2(6) of the Act of Sederunt insets a new rule 18A into the 1991 Rules to provide a legislative basis for the keeping of a central register of Officers of Court by the Society of Messengers-at-Arms and Sheriff Officers.

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