
STATUTORY INSTRUMENTS

1991 No. 1397

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

PART III

APPLICATIONS FOR COMMISSION

Applications for recommendation for commission as messenger-at-arms

7.—(1) An application by a sheriff officer for recommendation for a commission as a messenger-at-arms under section 77(1) of the Act of 1987 shall be by petition presented to the Outer House of the Court of Session in Form 1 and signed by the petitioner or his solicitor.

(2) There shall be lodged with a petition under paragraph (1) above—

- (a) an inventory of productions;
- (b) a copy of the entry in the Register of Births relating to the petitioner;
- (c) a certificate from the Society that the petitioner has passed such examinations as may be required by the committee of examiners; and
- (d) a certificate from another officer of court stating the period that the petitioner has been in practice as a sheriff officer.

(3) A petition under paragraph (1) above shall not require a process and shall not be intimated on the walls of court, served or advertised.

(4) Where the court grants the prayer of such a petition, the clerk of the Petition Department of the Court of Session shall send a copy of the petition, with interlocutor granting the prayer written on it, to the Lyon Clerk.

(5) Subject to rule 11(10) below, the Lord Lyon shall not issue a commission to a sheriff officer as a messenger-at-arms until the sheriff officer has lodged with the Lyon Clerk—

- (a) a copy letter of receipt of a premium receipt issued by a regional sheriff clerk in terms of rule 10(3) below; and
- (b) such further evidence as the Lord Lyon may require that the Policy in respect of which the premium receipt was issued is in force and applies to the commission of the sheriff officer as a messenger-at-arms.

(6) When the Lord Lyon issues a sheriff officer with a commission as a messenger-at-arms under section 77(1) of the Act of 1987, he shall administer to him the oath or declaration of allegiance to the Sovereign and the oath or declaration *de fidei administratione officii*.

(7) A commission as a messenger-at-arms shall cease to have effect when the holder of it attains the age of 70 years.

(8) Paragraph (7) of this rule shall not apply to a person who was—

- (a) in practice as a messenger-at-arms, and
- (b) aged 70 years or over,

Status: This is the original version (as it was originally made).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

on 30th November 1988.