



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 3

ENFORCEMENT

Judicial officers

57 **Judicial officers**

- (1) There is established an office to be known as judicial officer and any person who holds a commission as officer has the functions conferred by virtue of this Act and any other enactment.
- (2) A person may be granted a commission as a judicial officer by the Lord President of the Court of Session but only on the recommendation of the Commission under section 58(1) of this Act.
- (3) Where the Lord President grants a person a commission as a judicial officer, the Commission must intimate that decision to—
 - (a) the person who applied for the commission; and
 - (b) the professional association.
- (4) A judicial officer who holds a commission granted under subsection (2) above may carry out that officer's functions in the whole of Scotland.
- (5) Subject to section 60(2) of this Act, any person who wishes to be a judicial officer must apply to the Commission.
- (6) A judicial officer may be deprived of office by the Lord President but only where—
 - (a) the disciplinary committee of the Commission (in this Part, the "disciplinary committee") recommends under section 72(5)(a)(ii) or (6)(b) of this Act that the officer be deprived of office;
 - (b) any time limit within which the officer may appeal under section 74 of this Act has expired; and
 - (c) no such appeal has been made.

Status: This is the original version (as it was originally enacted).

- (7) Where the Lord President deprives a judicial officer of office, the Commission must intimate that decision to—
- (a) the judicial officer;
 - (b) the Court of Session;
 - (c) every sheriff principal; and
 - (d) the professional association.