



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 3

### [<sup>F1</sup>OFFICERS OF COURT]

#### *Regulation of [<sup>F1</sup>officers of court]*

#### **62 Duty to notify [<sup>F1</sup>Lord President and sheriff principal] of bankruptcy etc.**

- (1) Where, in relation to [<sup>F2</sup>an officer of court], any of the events mentioned in subsection (2) below occurs, the officer must, before the expiry of the period of 28 days beginning with the occurrence of the event—
- [<sup>F3</sup>(a) in the case of a messenger-at-arms, notify the Lord President of the Court of Session in writing of the event;
  - (b) in the case of a sheriff officer, notify the sheriff principal from whom the officer holds a commission in writing of the event.]
- (2) The events referred to in subsection (1) above are—
- (a) the sequestration of the [<sup>F4</sup>officer of court];
  - (b) the granting by the officer of a trust deed for creditors;
  - (c) the making of a bankruptcy restrictions order in respect of the officer;
  - <sup>F5</sup>(d) .....
  - (e) the making, under the Company Directors Disqualification Act 1986 (c. 46), of a disqualification order against the officer;
  - (f) where the officer is a partner in a partnership the sole or main business of which is the provision of [<sup>F6</sup>officer of court] services—
    - (i) the granting by the partnership of a trust deed for creditors; or
    - (ii) the sequestration of the partnership;
  - (g) where the officer is a member in a limited liability partnership the sole or main business of which is the provision of [<sup>F7</sup>officer of court] services, the commencement of the winding up of that partnership on the ground of insolvency.

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**Changes to legislation:** There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 62. (See end of Document for details)

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- (3) In subsection (2) above, “trust deed” has the meaning given by section 5(4A) of the 1985 Act.

#### Textual Amendments

- F1** Words in title of s. 62 substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 4 para. 14(2)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F2** Words in s. 62(1) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 4 para. 14(1)(a)(i)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F3** Words in s. 62(1) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 4 para. 14(1)(a)(ii)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F4** Words in s. 62(2)(a) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 4 para. 14(1)(b)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F5** S. 62(2)(d) repealed (1.4.2015) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), **Sch. 4**; S.S.I. 2014/261, art. 3 (with arts. 4-712) (as amended by S.S.I. 2015/54, art. 2)
- F6** Words in s. 62(2)(f) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 4 para. 14(1)(b)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2
- F7** Words in s. 62(2)(g) substituted (1.4.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 4 para. 14(1)(b)**; S.S.I. 2011/30, art. 3(2)(3), Sch. 2

#### Commencement Information

- I1** S. 62 in force at 1.4.2011 by S.S.I. 2011/31, art. 4

**Changes to legislation:**

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 62.