

SCHEDULE 4
REGULATION OF OFFICERS OF COURT: MODIFICATIONS OF ENACTMENTS

PART 1

AMENDMENTS

Debtors (Scotland) Act 1987 (c. 18)

- 4 In section 79 (investigation of alleged misconduct)—
- (a) in subsection (1)—
 - (i) in paragraph (a) for “78(3) of this Act” substitute “66(3) of the [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#) (in this Part “the 2007 Act”);
 - (ii) the word “or” immediately following paragraph (b) is repealed,
 - (iii) after that paragraph insert—
 - “(ba) details of a complaint about an officer of court are sent to the Lord President of the Court of Session or a sheriff principal under section 64 of the 2007 Act;”,
 - (iv) after paragraph (c) add “; or
 - (d) any judge of the Court of Session, or a sheriff principal—
 - (i) becomes aware (whether by notification under subsection (1) of section 62 of the 2007 Act or otherwise) that an event mentioned in subsection (2) of that section has occurred in respect of an officer of court; and
 - (ii) considers that the occurrence of that event or the circumstances surrounding it, although falling short of misconduct and not involving the commission of an offence, gives rise to concerns about the officer, the officer’s exercise of official functions or the officer’s undertaking of extra-official activities.”,
- (b) subsection (7) is repealed,
- (c) in subsection (9)—
- (i) the words from “conduct” to the end of that subsection become paragraph (a) of the subsection,
 - (ii) after that paragraph add—
 - “(b) failure to notify the Lord President of the Court of Session or the sheriff principal under subsection (1) of section 62 of the 2007 Act of the occurrence of an event mentioned in subsection (2) of that section;
 - (c) failure to provide information mentioned in subsection (1A) of section 63 of that Act required

Status: This is the original version (as it was originally enacted).

- by virtue of regulations made under subsection (1) of that section;
- (d) failure to comply with any code of practice or revised code of practice published under section 63A of that Act; and
 - (e) where a fee is due by virtue of rules made under subsection (1) of section 65A of that Act and a date as mentioned in subsection (2)(a) of that section has been specified by the rules, failure to pay the fee within 3 months of that date.”.