



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART V

MESSENGERS-AT-ARMS AND SHERIFF OFFICERS

75 Regulation of organisation, training, conduct and procedure.

- (1) The Court of Session may, by Act of Sederunt, in respect of officers of court—
- (a) regulate their organisation;
 - (b) regulate their training and the qualifications required to obtain a commission as messenger-at-arms or sheriff officer;
 - (c) regulate their conduct in exercising their official functions;
 - (d) regulate the scope of their official functions;
 - (e) make provision prohibiting the undertaking by them of activities other than their official functions (referred to in this Part of this Act as “extra-official activities”) which appear to the Court to be incompatible with their official functions;
 - (f) make provision permitting the undertaking by them for remuneration of other extra-official activities, not appearing to the Court to be incompatible as aforesaid, and the Act of Sederunt may attach conditions to any such permission;
 - ^[F1](fa) regulate their conduct in exercising their extra-official functions;
 - (g) prescribe the procedure in respect of applications for a commission as messenger-at-arms under section 77 of this Act or as sheriff officer;
 - (h) prescribe the procedure in disciplinary proceedings against them under section 79 of this Act, and provide for the remit of any such proceedings from the Court of Session to a sheriff principal, from one sheriff principal to another sheriff principal and from a sheriff principal to the Court of Session;
 - ^[F2](ha) prescribe the procedure in relation to an appeal under section 82 of this Act;
 - (j) make provision ^[F3]about their accounts and finances including the keeping and] auditing of those accounts;

Changes to legislation: *Debtors (Scotland) Act 1987, Section 75 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (k) make provision for the keeping of records by them and the inspection of those records;
 - (l) make provision in respect of the finding of caution by them;
 - (m) make such other provision as may appear to the Court to be [^{F4}appropriate].
- (2) No extra-official activity (not being an activity prohibited or regulated by an Act of Sederunt made under subsection (1)(e) or (f) above) may be undertaken by an officer of court for remuneration unless the officer of court obtains the permission of the sheriff principal from whom he holds a commission to his undertaking the activity, but the sheriff principal shall not withhold such permission unless it appears to him that the undertaking by the officer of court of the activity would be incompatible with the officer of court's official functions.
- (3) The sheriff principal may attach conditions to [^{F5}, or revoke,] any permission granted by him under subsection (2) above.

Textual Amendments

- F1** S. 75(1)(fa) inserted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(a)(i)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1
- F2** S. 75(1)(ha) inserted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(a)(ii)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1
- F3** Words in s. 75(1)(j) substituted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(a)(iii)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1
- F4** Word in s. 75(1)(m) substituted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(a)(iv)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1
- F5** Words in s. 75(3) inserted (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 4 para. 2(b)**; S.S.I. 2011/30, art. 3(1)(3), sch. 1

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1)(d)(e) substituted for s. 8(1)(d) by [2007 asp 3 Sch. 5 para. 16\(7\)\(a\)\(v\)](#)