

2011 No. 30 (C. 5)

COURT OF SESSION

PUBLIC SERVICES REFORM

SHERIFF COURT

The Public Services Reform (Scotland) Act 2010
(Commencement No. 3) Order 2011

Made - - - -

20th January 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by section 134(7) of the Public Services Reform (Scotland) Act 2010(a).

Citation

1. This Order may be cited as the Public Services Reform (Scotland) Act 2010 (Commencement No. 3) Order 2011.

Interpretation

2. In this Order—

“the Act” means the Public Services Reform (Scotland) Act 2010; and

“the 2007 Act” means the Bankruptcy and Diligence etc. (Scotland) Act 2007(b).

Appointed days – regulation of officers of court

3.—(1) Subject to paragraph (3), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in Schedule 1 (the subject matter of which is specified in column 2 of that table) is 31st January 2011.

(2) Subject to paragraph (3), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in Schedule 2 (the subject matter of which is specified in column 2 of that table) is 1st April 2011.

(a) 2010 asp 8.

(b) 2007 asp 3.

(3) Where a purpose is specified in column 3 of that table, a provision mentioned in column 1 comes into force in accordance with paragraph (1) only for that purpose.

St Andrew's House,
Edinburgh
20th January 2011

FERGUS EWING
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Article 3(1)

Provisions coming into force on 31st January 2011

<i>Column 1</i> <i>(provisions of the Act)</i>	<i>Column 2</i> <i>(subject matter)</i>	<i>Column 3</i> <i>(purpose)</i>
Section 13	Regulation of officers of court	The purpose of amendments and repeals listed in this Schedule
In schedule 4—		
paragraph 1		The purpose of amendments to the Debtors (Scotland) Act 1987 listed in this Schedule
paragraph 2	Amendment of power in section 75 of Debtors (Scotland) Act 1987 to make rules of court for the regulation, organisation and training, conduct and procedure of officers of court	
paragraph 3	Amendment of section 76 of the Debtors (Scotland) Act 1987 (Advisory Council on Messengers-at-Arms and Sheriff Officers)	
paragraph 8	Electronic admissions in writing	
paragraph 9		The purpose of amendments to the 2007 Act listed in this Schedule
paragraph 10	Amendment of the title to Part 3 of the 2007 Act	
paragraph 11	Amendment of section 51 of the 2007 Act to require annual report by the Advisory Council	
paragraph 12	Amendment of section 53 of the 2007 Act (published information not to enable identification)	
paragraph 13	Amendment of section 61 of the 2007 Act (regulation of officers of court)	
paragraph 15	Amendment of section 63 of the 2007 Act (officer's of court professional association)	

<i>Column 1</i> <i>(provisions of the Act)</i>	<i>Column 2</i> <i>(subject matter)</i>	<i>Column 3</i> <i>(purpose)</i>
paragraph 20	Amendment of section 66 of the 2007 Act (inspection of officers)	
paragraph 21	Amendment of references to “judicial officer” in section 75 of the 2007 Act	
paragraph 22	Amendment of section 77 of the 2007 Act (effect of code of practice)	
paragraph 23	Repeal of words in section 78 of the 2007 Act	
paragraphs 24 to 31	Amendment of references to “judicial officers” in section 75 of the 2007 Act to “officers of court”	
paragraph 32	Minor correction	
paragraph 33	Repeals	

SCHEDULE 2

Article 3(2)

Provisions coming into force on 1st April 2011

<i>Column 1</i> <i>(provisions of the Act)</i>	<i>Column 2</i> <i>(subject matter)</i>	<i>Column 3</i> <i>(purpose)</i>
Section 13	Regulation of officers of court	The purpose of the amendments listed in this Schedule
In schedule 4—		
paragraph 1		The purpose of amendments to the Debtors (Scotland) Act 1987 listed in this Schedule
paragraphs 4 to 7	Amendment of sections 79 to 82 of the Debtors (Scotland) Act 1987 (misconduct, court's powers and appeals)	
paragraph 9		The purpose of amendments to the 2007 Act listed in this Schedule
paragraph 14	Amendment of section 62 of the 2007 Act (duty to notify of bankruptcy etc.)	
paragraph 16	Insertion of section 63A of the 2007 Act (code of practice)	
paragraph 17	Amendment of section 64 of the 2007 Act (duty of professional association to forward complaints)	
paragraph 18	Amendment of section 65 of the 2007 Act (information from professional association)	
paragraph 19	Insertion of section 65A of the 2007 Act (annual fee for officers of court)	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 13 of, and schedule 4 to, the Public Services Reform (Scotland) Act 2010 (“the Act”) on the regulation of officers of court. Those provisions amend the Debtors (Scotland) Act 1987 (c.18) and the Bankruptcy and Diligence etc. (Scotland) Act 2007 to abolish the Scottish Civil Enforcement Commission and make other changes to the supervisory and regulatory structures for messengers-at-arms and sheriff officers.

The provisions are brought into force on 31st January 2011 and on 1st April 2011.

Sections 103, 109, 132, 133 and 134 of the Act came into force on Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act were brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 12 except section 3	1st August 2010	2010/221
Sections 14 to 30	1st August 2010	2010/221
Sections 31 to 35	1st October 2010	2010/321
Sections 36 to 43	1st July 2010	2010/221
Section 44 (partially) for the purpose of making appointments	1st August 2010	2010/221
Sections 44 to 102 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Sections 104 to 106 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Section 107	1st August 2010	2010/221
Section 108 (partially) for the purpose of making appointments	1st August 2010	2010/221
Section 108 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Section 110(1) for the purpose of making appointments	1st August 2010	2010/221
Section 110 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Section 111 (partially) for the purpose of making appointments	1st August 2010	2010/221
Section 111 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Sections 112 to 114	1st October 2010	2010/321
Sections 115 to 117 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Section 118	1st October 2010	2010/321
Section 119	1st August 2010	2010/221
Sections 120 to 128 except section 125	1st August 2010	2010/221
Section 125 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Section 129	1st August 2010	2010/221
Schedule 1	1st August 2010	2010/221
Schedules 5 to 7	1st August 2010	2010/221
Schedule 8	1st October 2010	2010/321

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedules 9 and 10	1st July 2010	2010/221
Schedule 11 (partially) for the purpose of making appointments	1st August 2010	2010/221
Schedules 11 and 12 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedule 13	1st October 2010	2010/321
Schedule 14 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedule 15	1st August 2010	2010/221
Schedule 16 for the purpose of making appointments	1st August 2010	2010/221
Schedules 16 to 17 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedule 18 for the purpose of making appointments	1st August 2010	2010/221
Schedule 18 (partially) for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedules 19 and 20	1st October 2010	2010/321

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