



Update: May 2023

## The Judicial Officer in the World

### SCOTLAND

Name (singular and plural): **Messenger-at-Arms and Sheriff Officer(s)**

#### Presentation

##### Generalities

Approx 140 judicial officers are appointed within approx. 23 offices. They work together with approx. 120 trainees, candidates, or assistants and approx. 550 staff.

##### Training

###### Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: Candidates must have at least five passes at a SCQF (Scottish Credit and Qualification Framework) Level 4 or above including passes in English and Mathematics. Candidates who have other educational qualifications, such as National Certificate Modules, GCSE, RSA, or City and Guilds. Applications for exemption from this regulation will be considered on the grounds of the candidate's age and experience. There is an initial training for the future judicial officers. This training is normally compulsory. Duration: Three years with a qualified judicial officer. An ongoing training is available for the judicial officers. This training is compulsory. Judicial officers are required to undertake 12 hours per annum continuous professional development training.

###### Ongoing training for the staff of judicial officers

Ongoing training courses are not available for the staff of judicial officers, except for inhouse training provided by the firm of judicial officers.

##### The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer. The judicial officers are appointed by in the case of Sheriff Officers: The Sheriff Principal (the senior judge) in the area within which the judicial officer wishes to practice. In the case of Messengers-at-Arms (who have a nationwide jurisdiction by the Lord Lyon on the recommendation of the Court of Session. The number of judicial officers is not limited. The judicial officer can exert his activities within a structure including another or several other judicial officers. The judicial officer can be a sole trader, a member of a partnership or a limited liability partnership. The judicial officer can also be employed by another judicial officer in one of these structures.

The profession is represented at national level by (name and details): **The Society of Messengers-at-Arms & Sheriff Officers**. This is the designated professional association for judicial officers and membership is compulsory.



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## **Obligations of the judicial officer and ethical rules**

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities. The judicial officer is required to have professional indemnity insurance.

## **Activities exerted by the judicial officers**

### **Enforcement of court decisions**

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Arrest of persons according to a court decision.
- Handing of children according to a court decision.
- Bringing physically a party to a court hearing.
- Provisional measures on tangible movable goods of the debtor.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.

### **Service of judicial or extrajudicial documents**

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters.

### **Forced public auction sales**

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.

### **Voluntary public auction sales**

The judicial cannot carry out the voluntary public auction sale of goods.



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<b>Other activities (X = Yes)</b>	
Debt collection	<b>X</b>
Statements of facts	
Sequestration of goods	
Legal advice	
Bankruptcy proceedings	
Missions entrusted by a judge	
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	