

In response to the consultation document, the Society of Messengers-at-Arms and Sheriff Officers' Committee of Examiners are supportive of the proposed legislative changes to reduce the training period for qualification as a sheriff officer from three years to two years and for the training period for qualification as a messenger-at-arms be reduced from two years to one year.

Ian Munro

Secretary

Committee of Examiners

Advisory Council on Messengers-at-Arms and Sheriff Officers

Consultation Response

Who we are:

This consultation response is submitted on behalf of the Money Advice Training Resource Information Consultancy Service – MATRICS.

MATRICS is a partnership between Citizens Advice Scotland and Money Advice Scotland and is funded and supported by the Scottish Government.

MATRICS develop and deliver free debt advice training to not-for-profit debt advice agencies and all our training is aligned with the requirements of the Scottish National Standards in advice.

MATRICS maintains the specialist debt advice consultancy helpline which provides second-tier support for not-for-profit agencies across Scotland who provide free debt advice to their clients. The service supports advisers from Local Authorities, Housing Associations, Citizens Advice Bureaux and other 3rd sector debt advice organisations including community-based organisations.

That the training period for qualification as a sheriff officer (set out in Regulation 3) be reduced from three years to two years:

We agree that the reduction of the training period to two years would help off set the issues of officers leaving the profession and new officers being able to replace them.

We would hope that any reduction in the training period would be monitored to confirm that new staff are being given the correct amount of time to build their knowledge and understanding and the shorter training time does not have a negative impact on the pass rate which would impact officer levels.

That the training period for qualification as a Messenger-at-Arms (set out in Regulation 4) be reduced from two years to one year:

We agree that the reduction of training period to 1 year would help off set the issues of Messenger at Arms leaving the profession and new officers being able to replace them.

We do think that any reduction in the passing of the examination should be monitored to confirm that trainee Messenger at Arms are being given the correct amount of time to build their knowledge and understanding and the reduced time does not have a negative impact on the pass rate which could have an impact qualified Messenger at Arms levels.

Other comments:

We understand that having more qualified officers leaving the profession than joining will have a negative impact on services that sheriff officers can provide and also have an impact on the Scottish Courts and Tribunal Service .

We read that leavers and retirees out way recently commissioned officers and suggest consideration to remove the upper age limit to allow for those experienced officers to be available to mentor the new recruits to the profession or allow those who wish to continue in employment for a couple of years to do so beyond the 70 age limit.

Nothing makes up for experience and new recruits can learn their profession from example and not only training.

Date: 22/08/2023

Signed: Pauline Allan and Ged Mulvey

My name is William Dolier, I am a partner in the firm of Walker Love, Messengers-at-Arms & Sheriff Officers, having offices in Aberdeen, Edinburgh, Glasgow, Inverness, Kirkcaldy, & Paisley. I am a Messenger-at-Arms and Sheriff Officer, having obtained my first commission as a Sheriff Officer in June of 1980. I have practiced as a Sheriff Officer and Messenger-at-Arms in both rural and city location and have over the years been responsible for successfully training Sheriff Officers and Messengers-at-Arms. I am immediate Past President of the Society of Messengers-at-Arms & Sheriff Officer (SMASO). This response in support of both proposals is made on my own behalf as an individual.

Reduction in training period of Sheriff Officers.

As recorded in the consultation documentation, the number of leavers and retirements from the profession are far outweighing the level of newly commissioned officers. This situation was exacerbated by the Covid 19 Pandemic, our profession like many others was impacted by individuals contemplating their lifestyles and changing priorities. This resulted in officers who were approaching retirement, retiring early and candidates in training deciding to change direction.

Post pandemic, attitudes to employment and medium-term goals appear to have changed, the workforce now seems to focus on the here and now with reticence to commit to medium- and longer-term training periods. The arbitrary position of a Sheriff Principal possibly reducing a training period, does not give a potential candidate confidence in entering the profession. I believe the 3-year training period is deterring candidates entering the profession, especially more mature candidates for whom a trainee's salary over three years may be more challenging.

In support of reducing the period of training I suggest, that in the last 30 years methods of coaching and learning have drastically advanced, as have the skills of trainers. Thereby allowing trainers to convey theoretical learning much more impactfully. Whilst theory and legislation are essential, practical and soft skills of dealing with people, can only be captured in real life situations, a two-year period, under the tutorage of an experienced officer, is in my opinion sufficient.

Most firms of sheriff officer will operate a modular learning programme, it is noted that Police Scotland modular probationary training last two years, which is the period under consultation. Like Police Officers, after initially qualifying Sheriff Officers will continue to be supported by experienced officers, and task allocated commensurate with their experience and confidence. For these reasons I support the proposal to amend the period of training for a Sheriff Officer from three years to two.

Reduction in training period of Messengers-at-Arms.

As has been identified in the consultation document, legislative shift has seen court actions and Instructions which were once the preserve of the Court of Session, now being raised in the Sheriff Court and executed by Sheriff Officers. The majority of instructions to Messengers-at-Arms are now mostly service of Summonses, Interdict and Diligence on Extract Registered Documents. With little exception the process and practicalities of executing these instructions are the same as for Sheriff Court Actions. Whilst the Rules of Court will require to be digested and understood by Messenger trainees, I would contend that this can be achieved with the period of one year being proposed. Indeed, many of the paper two question set by the committee of examiners could equally be presented in the Sheriff Officer's paper two. Therefore, the Sheriff Officer candidate is already well prepared, making the one-year period appropriate. It should be noted that if an employer or trainer is not confident that a trainee Messenger is ready to progress to sit the examination, he will not be presented. Adopting the proposed change, will allow a fully competent candidate to progress one year less than at present. For these reasons I support the proposal to amend the period of training for a Messenger-at-Arms from two years to one.

It is essential that appropriate numbers of Sheriff Officers and Messengers-at-Arms are available to service the needs of all court users, continuing diminution in numbers will impact negatively on ability to efficiently service court users. The two proposals will assist in attracting candidates to the profession, thereby future proofing service provision for all court users.

My name is Chelsea Murray. I am employed as a Sheriff Officer by Walker Love, Messenger-at-Arms & Sheriff Officers having gained my first commission in November 2022. I am writing in relation to the current consultation surrounding the reduction of period of training for Messenger-at-Arms & Sheriff Officers. This response is made by myself as an individual.

Prior to commencing my training as a sheriff officer, in 2016 I graduated with an upper second class BA with Honours degree in Law. Following which I worked in retail, having decided against furthering my academic studies and thereafter I commenced my Sheriff Officer training with Walker Love in April 2018. I was successful in passing my exams in September 2019. An application was made to reduce the period of training from the statutory 3 years in December 2019 which was refused by the Sheriff Principal.

Have considered the proposals put forward, I wish to express my support in favour of reducing the training period required prior to gaining commission.

From the outset to new candidates, the current period of 3 years appears daunting and a lengthy process with no guarantee that the Sheriff Principal will reduce the period of training to less than 3 years should a candidate meet all other requirement well in advance of this. Also, from the outset a trainee salary for a period of up to 3 years can be off putting to some candidates.

Two years training with a fellow officer enables a candidate to learn vital practical aswell as academic skills in relation to the role. In the short time I have been in the profession, I am already aware of a high number of officers leaving the profession and fewer newly qualified entering.

My training consisted of a module based classroom lectures, home study and "on the road" experience with an experienced officer. I used a variety of resources to aid my studies which allowed me to achieve a pass in my examinations after 18 months study. After gaining my first commission, I was continued to be supported by experienced officers.

I am currently undertaking study towards my Messenger-at-Arms examinations. The current period of two years practice prior to gaining commission as a Messenger-at-Arms again seems lengthy and daunting. Already, in practice the rules are similar to that as practice of a Sheriff Officer. However, I understand the rules of court need to be studied and a good knowledge of the appropriate legislation is required which I feel can be obtained within a 1 year period.

I believe a reduction in the period of training will attract more candidates, both externally and internally within firms allowing the profession to continue to provide a vital service to the court process.

Advisory Council on Messengers-at-Arms and Sheriff Officers

Consultation Document

Requirements for qualification as a sheriff officer and messenger-at-arms

I welcome the opportunity to respond to the above consultation. I am a Messenger-at-Arms and Sheriff Officer of over 33 years, a former President of SMASO and employed as National Enforcement Director with Scott & Co (Scotland) LLP.

In early 2022 I presented a proposal document to the Executive Council of SMASO proposing a review and update of the current legislative and regulatory framework for training and qualification of Sheriff Officers and Messengers-at-Arms. This was followed by engagement with the Committee of Examiners of SMASO prior to the matter being raised with ACMAASO.

I will therefore refer to and expand upon the key areas of my original paper.

The rules for training, examination and qualification of Officers of Court have remained almost unaltered for over 30 years. Leavers and retirees from the profession in recent years are far outweighing newly commissioned Sheriff Officers reflected in the depleting membership of SMASO in the last 10 years. I believe the main underlying factors for this erosion include the following:

Legislative changes

These have been significant in the last 10+ years and have removed or substantially reduced traditional instructions available for Sheriff Officers including:

- **Criminal Witness Citations**
- **Civil Interim Interdicts** (funded by Civil Legal Aid)
- **Maintenance Arrears Arrestments** (controlled and legislated to the Child Maintenance Group)
- **HMRC Summary Warrant Enforcement** – dramatic fall in utilisation of Diligence following introduction of “upstream” collection process handled by HMRC and sub-contracted in part to English based commercial Debt Collection Agencies
- **Diligence on the Dependence** – rarely used as can be evidenced via the AiB Diligence Statistics for Inhibition on the Dependence. Expensive process for Creditors to engage given multiple Court Hearings.
- Ongoing **moratorium on Evictions**
- Unsupervised use of Diligence moratorium

I refer to the above Consultation.

By way of introduction, I am the current Secretary for the Law Society of Scotland's Civil Justice Committee.

The Committee have reviewed the documentation attached to your email below. Whilst the Committee have no specific comments to make in relation to the consultation, I can advise that they were in general agreement to the proposals.

I hope this is of assistance.

I would like to provide the following response:

- Agree that it is sensible to reduce the qualification period of a sheriff officer from 3 years to 2 years.
- Agree to reducing the qualification period of a messenger-at-arms from 2 years to 1 year.

This will attract more interest and quality into the profession.

Ronnie

Ronald J Murison | Director of Sheriff Officer Services

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