



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## BANKRUPTCY AND DILIGENCE ETC. (SCOTLAND) ACT 2007

### PART 1

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- 2 Bankruptcy restrictions orders and undertakings

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*Registration and creation etc.*

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- 38 Creation of floating charges
- 39 Advance notice of floating charges
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- 41 Ranking clauses
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*Changes to legislation: Bankruptcy and Diligence etc. (Scotland) Act 2007 is up to date with all changes known to be in force on or before 04 February 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*

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SCHEDULE 3 — Expenses of money attachment

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*Expenses chargeable against the debtor*

- 1 There is to be chargeable against the debtor any expenses...
- 2 Expenses chargeable against the debtor by virtue of paragraph 1(e)...

*Circumstances where no expenses are due to or by either party*

- 3 Subject to paragraph 4 below, the debtor shall not be...
- 4 If— (a) an application mentioned in paragraph 3(a) above is...
- 5 Paragraphs 3 and 4 above do not apply to expenses...

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- 1 In section 48 of the Administration of Justice Act 1956...
- 2 In sections 45(5) and 47(3)(b), (4)(b) and (5) of the...
- 3 In section 47(2)(r) of the 1956 Act, for “or hypothecation...

*The term “admiralty action”*

- 4 In section 47 of the 1956 Act—
- 5 (1) In paragraph 7 of schedule 5 to the Civil...

*Arrestment in rem granted by the sheriff*

- 6 After section 47 of the 1956 Act, insert— Execution of...

*Arrestment on the dependence*

- 7 (1) Section 47 of the 1956 Act is amended as...

*Liability for losses and expenses*

- 8 After section 47A of the 1956 Act (as inserted by...

*Factors affecting arrestments*

- 9 After section 47B of the 1956 Act (as inserted by...

*Cargo on board a ship exempt from attachment*

- 10 In section 11 of the 2002 Act (articles exempt from...

*Location of a ship when arrestment executed*

- 11 In section 47 of the 1956 Act—

*Demise charters*

- 12 After section 47D of the 1956 Act (as inserted by...
- 13 In section 6(c) of the Sheriff Courts (Scotland) Act 1907...

SCHEDULE 5 — Minor and consequential amendments

*The Companies Clauses Consolidation (Scotland) Act 1845 (c. 17)*

- 1 In section 114 of the Companies Clauses Consolidation (Scotland) Act...

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*The Harbours, Docks and Piers Clauses Act 1847 (c. 27)*

- 2 In section 46 of the Harbours, Docks and Piers Clauses...

*The Titles to Land Consolidation (Scotland) Act 1868 (c. 101)*

- 3 In section 3 of the Titles to Land Consolidation (Scotland)...

*The Writs Execution (Scotland) Act 1877 (c. 40)*

- 4 In section 3(a) of the Writs Execution (Scotland) Act 1877...

*The Judicial Factors (Scotland) Act 1889 (c. 39)*

- 5 In section 11A of the Judicial Factors (Scotland) Act (application...

*The Sheriff Courts (Scotland) Extracts Act 1892 (c. 17)*

- 6 (1) The Sheriff Courts (Scotland) Extracts Act 1892 is amended...

*The Execution of Diligence (Scotland) Act 1926 (c. 16)*

- 7 (1) The Execution of Diligence (Scotland) Act 1926 is amended...

*The Local Government (Scotland) Act 1947 (c. 43)*

- 8 (1) The Local Government (Scotland) Act 1947 is amended as...

*The Taxes Management Act 1970 (c. 9)*

- 9 (1) The Taxes Management Act 1970 is amended as follows....

*The Sheriff Courts (Scotland) Act 1971 (c. 58)*

- 10 In section 32(1) of the Sheriff Courts (Scotland) Act 1971...

*The Animal Health Act 1981 (c. 22)*

- 11 In section 92(3) of the Animal Health Act 1981 (power...

*The Civil Jurisdiction and Judgments Act 1982 (c. 27)*

- 12 In section 27 of the Civil Jurisdiction and Judgments Act...

*The Bankruptcy (Scotland) Act 1985 (c. 66)*

- 13 (1) The 1985 Act is amended as follows.

*The Insolvency Act 1986 (c. 45)*

- 14 (1) The Insolvency Act 1986 is amended as follows.

*The Legal Aid (Scotland) Act 1986 (c. 47)*

- 15 In Part 2 of Schedule 2 to the Legal Aid...

*The Debtors (Scotland) Act 1987 (c. 18)*

- 16 (1) The 1987 Act is amended as follows.

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*The Abolition of Domestic Rates etc. (Scotland) Act 1987 (c. 47)*

17 (1) Schedule 2 to the Abolition of Domestic Rates etc....

*The Child Support Act 1991 (c. 48)*

18 In section 38 of the Child Support Act 1991 (enforcement...

*The Social Security Administration Act 1992 (c. 5)*

19 In section 121B of the Social Security Administration Act 1992—...

*The Local Government Finance Act 1992 (c. 14)*

20 (1) Schedule 8 to the Local Government Finance Act 1992...

*The Tribunals and Inquiries Act 1992 (c. 53)*

21 In Part II of Schedule 1 to the Tribunals and...

*The Proceeds of Crime (Scotland) Act 1995 (c. 43)*

22 In section 32 of the Proceeds of Crime (Scotland) Act...

*The Criminal Procedure (Scotland) Act 1995 (c. 46)*

23 In section 221 of the Criminal Procedure (Scotland) Act 1995...

*The Finance Act 1997 (c. 16)*

24 In section 52 of the Finance Act 1997—

*The Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*

25 In schedule 3 to the Ethical Standards in Public Life...

*The Water Industry (Scotland) Act 2002 (asp 3)*

26 (1) Schedule 4 to the Water Industry (Scotland) Act 2002...

*The Scottish Public Services Ombudsman Act 2002 (asp 11)*

27 In Part 2 of schedule 2 to the Scottish Public...

*The Freedom of Information (Scotland) Act 2002 (asp 13)*

28 In schedule 1 to the Freedom of Information (Scotland) Act...

*The Proceeds of Crime Act 2002 (c. 29)*

29 In section 123 of the Proceeds of Crime Act (inhibition...

*The Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)*

30 (1) The 2002 Act is amended as follows.

*The Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

31 In schedule 2 to the Public Appointments and Public Bodies...

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*The Finance Act 2003 (c. 14)*

32 In paragraph 3(2) of Schedule 12 to the Finance Act...

*The Civil Partnership Act 2004 (c. 33)*

33 In section 103(6) of the Civil Partnership Act 2004 (warrant...

SCHEDULE 6 — Repeals and revocation

Part 1 — REPEALS

Part 2 — REVOCATION



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**Changes and effects yet to be applied to :**

- Pt. 2 applied (with modifications) by [S.I. 2015/428 art. 5\(2\)Sch. 2](#) (This amendment has effect from the day on which 2007 asp 3, s. 46 comes into force)
- Pt. 2 applied by 1967 c. 48 s. 3(1) (as inserted) by [2007 asp 3 s. 49\(1\)](#)
- s. 40(1)-(3) modified by 1967 c. 48 s. 3(2) (as inserted) by [2007 asp 3 s. 49\(1\)](#)
- s. 45(3)(c) modified by 1967 c. 48 s. 3(2) (as inserted) by [2007 asp 3 s. 49\(1\)](#)
- s. 221 words substituted by [2008 c. 6 Sch. 7 para. 6](#)

**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))