



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 4

### LAND ATTACHMENT AND RESIDUAL ATTACHMENT

#### CHAPTER 3

##### RESIDUAL ATTACHMENT

###### *General and miscellaneous*

#### 145 Interpretation

(1) In this Chapter—

“appointed person” has the meaning given by section 136(5)(a)(i) of this Act;

“attached property” has the meaning given by section 134(1) of this Act;

“court” means—

- (a) the Court of Session; or
- (b) the sheriff,

and references to applying to the court are references to applying by petition or, as the case may be, by summary application;

“croft” has the meaning given by section 3 of the Crofters (Scotland) Act 1993 (c. 44);

“decree” has the meaning given in section 221 of this Act (except that paragraphs (c), (g) and (h) of the definition of “decree” in that section do not apply) being a decree which, or an extract of which, authorises residual attachment;

“document of debt” has the meaning given in section 221 of this Act, being a document which, or an extract of which, authorises residual attachment;

“dwellinghouse” includes any yard, garden, outbuilding or other pertinents;

[<sup>F1</sup> “ officer of court ” means the officer of court appointed by the creditor; ]

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**Changes to legislation:** There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 145. (See end of Document for details)

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F2  
...

“residual attachment order” means an order under section 132(2) of this Act;

“satisfaction order” means an order under section 136(2) of this Act; and

“sum recoverable by the residual attachment” has the meaning given by section 134(2)(b) of this Act.

- (2) The Scottish Ministers may by order modify the definitions of “decree” and “document of debt” in subsection (1) above by—
- (a) adding types of decree or document to;
  - (b) removing types of decree or document from; or
  - (c) varying the description of,
- the types of decree or document to which those definitions apply.

#### Textual Amendments

**F1** Words in s. 145(1) inserted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 27](#); [S.S.I. 2011/30](#), art. 3(1)(3), Sch. 1

**F2** Words in s. 145(1) repealed (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 Pt. 2](#); [S.S.I. 2011/30](#), art. 3(1)(3), Sch. 1

#### Commencement Information

**I1** S. 145 partly in force; s. 145 not in force at Royal Assent see s. 227; s. 145(2) in force for certain purposes at 1.4.2008 by [S.S.I. 2008/115](#), [art. 3\(4\)](#), [Sch. 3](#) (with arts. 4-6, 10)

**Changes to legislation:**

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 145.