



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 15

### ACTIONS FOR REMOVING FROM HERITABLE PROPERTY

#### 216 Service of charge before removing

- (1) A defender and any effects of the defender may, by virtue of a decree for removing from heritable property, be removed from subjects or premises but only if—
  - (a) the defender has been charged to remove from those subjects or premises within 14 days after the giving of the charge; and
  - (b) the period of charge has expired without the defender so removing.
- (2) Where—
  - (a) the subjects or premises are occupied by an occupant deriving right or having permission from the defender;
  - (b) the defender has been charged, under subsection (1) above, to remove from those subjects or premises; and
  - (c) the period of charge has expired without the occupant so removing,that occupant and any effects of that occupant may be removed from the subjects or premises.
- (3) The judicial officer removing the defender, any other occupant and any effects of such a defender or occupant from the subjects or premises—
  - (a) may, if necessary for the purposes of such removing, open shut and lockfast places; and
  - (b) must make an inventory of any effects removed.
- (4) Where the decree for removing from heritable property is granted by a court, the court may, on cause shown, dispense with or vary the period of charge.
- (5) It is no longer necessary to obtain from the Court of Session letters of ejection before removing a person by virtue of subsection (1) or (2) above.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The Scottish Ministers may, by regulations, prescribe the form of charge under subsection (1) above.