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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 115**

**The Bankruptcy and Diligence etc. (Scotland) Act 2007  
(Commencement No. 3, Savings and Transitionals) Order 2008**

**Appointed day in respect of provisions of the Act**

**3.—(1)** The following provisions of the Act, in so far as not already in force, come into force on 1st April 2008:—

- (a) Part 1 (bankruptcy), except for—
  - (i) section 18(5) (record of income payment orders and agreements in the register of insolvencies);
  - (ii) section 21 (changes to composition);
  - (iii) in section 25 (debt limits in sequestrations)—
    - (aa) paragraph (a); and
    - (ab) paragraph (b) in so far as it applies to debtor applications; and
  - (iv) section 36 (minor and consequential amendments of the 1985 Act) in so far as it relates to the provisions of schedule 1 excepted from commencement by subparagraph (i)(i) and (ii) below;
- (b) in Part 6 (diligence on the dependence)—
  - (i) section 169 except for the insertion of section 15H(4) of the 1987 Act; and
  - (ii) sections 170 and 171;
- (c) Part 7 (interim attachment);
- (d) Part 9 (diligence against earnings);
- (e) in Part 10, section 206 (arrestment and action of furthcoming to proceed only on decree or document of debt) for the purpose of the insertion of section 73A(2) of the 1987 Act;
- (f) in Part 11, section 208 (abolition of sequestration for rent and restriction of landlord's hypothec);
- (g) Part 12 (summary warrants, time to pay and charges to pay);
- (h) in section 226—
  - (i) subsections (1) and (2) in so far as relating to the provisions of schedules 5 and 6 commenced by this Order; and
  - (ii) subsection (3); and
- (i) schedule 1 (minor and consequential amendments of the 1985 Act), except for—
  - (i) paragraph 41(a); and
  - (ii) paragraph 44(1) and (2)(a) in so far as they apply to company insolvencies<sup>(1)</sup>.

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<sup>(1)</sup> The accounting period under section 52(2) of the Bankruptcy (Scotland) Act 1985 (c. 66) is applied for the purposes of company insolvency (see rules 0.2, 2.38, 2.41 and 4.68 of the Insolvency (Scotland) Rules 1986 (S.I. 1986/1915)).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) The minor and consequential amendments and repeals in schedules 5 and 6 respectively specified in column 1 of Schedules 1 and 2 to this Order come into force on 1st April 2008, subject to paragraph (3).

(3) Where in Schedule 1 or 2 to this Order a purpose is specified in column 2 of the Schedule in relation to an amendment or repeal, it comes into force only for that purpose, but where no purpose is specified it comes into force for all purposes.

(4) The provisions of the Act specified in column 1 of Schedule 3 to this Order come into force on 1st April 2008 only for the purpose of making regulations or orders under the provisions so specified (or under the inserted provisions specified in column 2 of that Schedule).