

*These notes relate to the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) which received Royal Assent on 15 January 2007*

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

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary*

#### **Part 11 – Maills and Duties, Sequestration for Rent and Landlord’s Hypothec**

#### **Abolition of maills and duties**

#### *Section 207 – Abolition of maills and duties*

725. **Section 207(1)** abolishes the diligence of maills and duties which enabled creditors who had a security over heritable property to recover rents due from tenants of that property. For instance, where a creditor had a security over a debtor’s land and the debtor had let the land to a tenant, the creditor could raise an action of maills and duties to attach the rent due from the debtor’s tenant. An action for maills and duties was not available to creditors holding standard securities and was therefore not widely used.
726. Subsection (1) also ensures that any legislative provision or rule of law relating to maills and duties no longer has effect.
727. Subsection (2) limits the effect of the abolition by providing that it does not affect any action of maills and duties which has been commenced prior to this section coming into force.
728. Consequential repeals (of obsolete provisions containing references to maills and duties) are included in schedule 6.