

Bankruptcy and Diligence etc. (Scotland) Act 2007

PART 4

LAND ATTACHMENT AND RESIDUAL ATTACHMENT

CHAPTER 2

ATTACHMENT OF LAND

Preparations for sale of attached land

PROSPECTIVE

107 Consequences of giving notice under section 106(1)

- (1) From the date on which the creditor gives notice under section 106(1) of this Act until the land attachment ceases to have effect the creditor (in place of the debtor) has the rights and obligations of a heritable creditor in lawful possession of the land.
- (2) Without prejudice to the generality of subsection (1) above, those rights and obligations—
 - (a) include any rights and obligations under any lease, or under any permission or right of occupancy, granted in respect of the land, including the right to receive rent from any tenant;
 - (b) do not include the power to grant a lease.
- (3) Subsection (2)(a) above applies only as respects rent payable on or after the date on which the creditor intimates in writing to the tenant that the notice has been given.
- (4) A creditor who has given notice under section 106(1) of this Act—
 - (a) may apply to the sheriff for an order—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 107. (See end of Document for details)

- (i) authorising the carrying out of works of reconstruction, alteration or improvement if they are works reasonably required to maintain the market value of the land; and
- (ii) to recover from the debtor any expenses and outlays reasonably incurred in so doing;
- (b) may bring an action of ejection against the debtor; and
- (c) has title to bring any action of removing, intrusion or ejection which the debtor might competently have brought in respect of the land.
- (5) Any—
 - (a) expenses or outlays incurred as mentioned in subsection (4)(a)(ii) above; and
 - (b) expenses of any action of removing, intrusion or ejection brought by virtue of subsection (4)(b) or (c) above,

are expenses incurred in executing the land attachment.

(6) The reference in subsection (3) above to intimation in writing includes a reference to intimation by electronic communication.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 107.