



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 4

### LAND ATTACHMENT AND RESIDUAL ATTACHMENT

#### CHAPTER 3

##### RESIDUAL ATTACHMENT

###### *Termination, discharge etc. of residual attachment*

PROSPECTIVE

#### **142 Effect of death of debtor**

- (1) Where, in relation to a debt—
  - (a) the creditor has taken any steps towards obtaining a residual attachment order against the debtor; but
  - (b) has not, before the date of death of the debtor, served a schedule of residual attachment on the debtor,any such steps cease to have effect; and accordingly any residual attachment order relating to that debt becomes, on that date, void.
- (2) Where a residual attachment is created before the death of the debtor, it continues to have effect in relation to the attached property after that death.
- (3) The Court of Session may, by Act of Sederunt, provide for the operation of this Chapter in a case to which this section applies and may, in particular—
  - (a) modify the provisions about intimation of applications for satisfaction orders; and

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**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 142. (See end of Document for details)*

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- (b) confer power on the sheriff to dispense with or modify procedures under this Chapter.

**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 142.