



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

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