



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 5

INHIBITION

General and miscellaneous

165 Expenses of inhibition

- (1) Subject to subsection (3) below, the inhibition expenses are chargeable against the debtor.
- (2) Inhibition expenses are recoverable from the debtor by land attachment or residual attachment executed for the purpose of enforcing payment of the debt to which the inhibition relates but not by any other legal process.
- (3) Where a creditor has executed an inhibition, the expenses of only one further inhibition in relation to the debt to which the first inhibition relates are chargeable against the debtor as inhibition expenses.
- (4) For the purposes of a sequestration or other process in which there is ranking, the inhibition expenses must be treated as part of the debt constituted by the decree or document of debt authorising the inhibition.

Annotations:

Commencement Information

- II** [S. 165](#) partly in force; [s. 165](#) not in force at Royal Assent see [s. 227](#); [s. 165\(1\)\(3\)\(4\)](#) in force at 22.4.2009 by [S.S.I. 2009/67](#), [art. 3](#) (with transitional modifications and savings in [arts. 4-6](#))

Changes to legislation:

Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 165 is up to date with all changes known to be in force on or before 19 June 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#)