
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 68

**ENFORCEMENT
DEBT
DILIGENCE**

The Diligence (Scotland) Regulations 2009

Made - - - - 23rd February 2009
*Laid before the Scottish
Parliament* - - - - 24th February 2009
Coming into force - - 22nd April 2009

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 155(4), 159 and 159A(3) of the Titles to Land Consolidation (Scotland) Act 1868⁽¹⁾, sections 73B(2), 73G(2) and 73S(1) of the Debtors (Scotland) Act 1987⁽²⁾; and sections 148(3) and 224(2) of the Bankruptcy and Diligence etc. (Scotland) Act 2007⁽³⁾ and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Diligence (Scotland) Regulations 2009 and come into force on 22nd April 2009.

Interpretation

2. In these Regulations—

“the 1868 Act” means the Titles to Land Consolidation (Scotland) Act 1868;

“the 1987 Act” means the Debtors (Scotland) Act 1987; and

“the 2007 Act” means the Bankruptcy and Diligence etc. (Scotland) Act 2007.

-
- (1) [1868 c. 101](#) (“the 1868 Act”). Section 155 was substituted, section 159 amended, and section 159A inserted by, sections 149, 164(1) and 162 respectively of the [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 asp 3](#) (“the 2007 Act”). Section 164(2) inserts section 159B of the 1868 Act which contains a definition of “prescribed” relevant to the powers under which these Regulations are made.
- (2) [1987 c. 18](#) (“the 1987 Act”). Sections 73B(2), 73G(2) and 73S(1) were inserted by the 2007 Act, section 206. The 1987 Act is also significantly amended by the [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), section 58(2), schedule 3, Part I, paragraph 17, and by the 2007 Act, sections 169 and 170, 199 to 205, 206, 209(2) to (5), schedule 5, paragraph 16 and schedule 6, Part 1.
- (3) [2007 asp 3](#).

Inhibition

Forms for inhibition

- 3.—(1) The forms in Schedules 1 to 6 are prescribed for the purposes of the relative provisions—
- (a) Schedule 1 – schedule of inhibition (section 148(3)(a) of the 2007 Act);
 - (b) Schedule 2 – certificate of execution of inhibition (Court of Session) (section 148(3)(b) of the 2007 Act);
 - (c) Schedule 3 – certificate of execution of inhibition (Sheriff Court) (section 148(3)(b) of the 2007 Act);
 - (d) Schedule 4 – notice of inhibition (section 155(4) of the 1868 Act);
 - (e) Schedule 5 – notice of Summons for breach of inhibition (section 159 of the 1868 Act); and
 - (f) Schedule 6 – discharge of notice of Summons for breach of inhibition (section 159A(3) of the 1868 Act).

(2) The form of schedule of inhibition prescribed for registration under section 148(1)(a) of the 2007 Act (registration of inhibition) is a certified copy of the schedule of inhibition required by paragraph (1)(a) and Schedule 1 to these Regulations.

Arrestment

Forms for arrestment

4. The forms in Schedules 7 to 9 are prescribed for the purposes of the relative provisions—
- (a) Schedule 7 – schedule of arrestment (section 73B(2) of the 1987 Act);
 - (b) Schedule 8 – arrestee disclosure (section 73G(2) of the 1987 Act); and
 - (c) Schedule 9 – debtor mandate (section 73S(1) of the 1987 Act).

St Andrew's House, Edinburgh
23rd February 2009

FERGUS EWING
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 3(1)(a) and (2)

Form of Schedule of Inhibition

Schedule of Inhibition

SCHEDULE OF INHIBITION [*ON THE DEPENDENCE]

Date of Service: *(date)*

To: *(name and address of person on whom served)*

IN HER MAJESTY'S NAME AND AUTHORITY [*AND IN THE NAME AND AUTHORITY OF THE SHERIFF], I, *(name)*, [*Messenger-at-Arms] [*Sheriff Officer], by virtue of-

- * a warrant contained in a [*Court of Session Summons] [*Sheriff Court Initial Writ] *(dated)*,
- * an order of Lord *(name)* in the Court of Session granted on *(date)*,
- * an order of the Sheriff at *(place)* granted on *(date)*,
- * a decree by the [*Court of Session] [*Sheriff Court] at *(place)* granted on *(date)*,
- * a document of debt as defined by Section 221 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 [*and registered for execution in *(place of registration)* on *(date)*].

inhibit you from selling, disposing of, burdening or otherwise affecting [*all land and heritable property in which you have an interest] [*your land and other heritable property at *(description of property being inhibited, see Note 1)*] to the prejudice of *(name and address of person entitled to inhibit)*. See Notes 2 to 4 for how you are affected by this Schedule.

* [AND *(as appropriate, where the Debtor is an individual)*

A copy of the Debt Advice and Information Package, as defined in Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002 accompanies this Schedule.]

This I do in the presence of *(name, occupation and address of witness)*

(Signed)

[*Messenger-at-Arms] [*Sheriff Officer]

(Address)

* [AND *(as appropriate, where this is a copy of the Schedule of Inhibition)*

I certify that this is a true copy of the original Schedule of Inhibition

(Signed)

[*Messenger-at-Arms] [*Sheriff Officer]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTE

1. A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with Schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.
2. This document forbids you from disposing of or dealing with [*the land or heritable property described herein] [*any land or buildings in Scotland] in which you have an interest without a further order from the court.
3. If you are in the course of or are contemplating a transaction which affects any land or building in Scotland in which you have an interest you should tell your solicitor immediately about this document.
4. This schedule may have been served on you to protect property pending a decision in a court action (known as “inhibition on the dependence”) and limited to specific land and heritable property where stated above. If so, and the court later grants a decree against you, the decree will have the effect of forbidding you from disposing of or dealing with **any** land and building in Scotland—not just the specific land and property mentioned in this schedule, under Section 152 of Bankruptcy and Diligence etc. (Scotland) Act 2007. You should check the effect with your solicitor.

IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS DOCUMENT, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.

* Delete where not applicable.

SCHEDULE 2

Regulation 3(1)(b)

Court of Session form of certificate of execution of inhibition

Form A. Court of Session certificate of execution of inhibition

CERTIFICATE OF EXECUTION [*ON THE DEPENDENCE]

I, *(name)*, Messenger-at-Arms, certify that I executed an inhibition [*on the dependence] on the *(date of service)*

against [*all land and heritable property in which *(name and address of person inhibited)* has an interest] [*the land and heritable property at *(description of property being inhibited, see note)*] by virtue of-

- * a warrant contained in a Court of Session summons, granted on *(date)*
- * an order of Lord *(name)* in the Court of Session granted on *(date)*
- * a decree by the Court of Session granted on *(date)*
- * a document of debt as defined by Section 221 of the Bankruptcy and Diligence etc (Scotland) Act 2007 [*and registered for execution in *(place of registration)* on *(date)*].

obtained at the instance of *(name and address of party inhibiting)* against *(name and address of person inhibited)* on *(name of person on whom executed)*

- * by delivering the schedule of inhibition, and, where the debtor is an individual, a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, to *(name of defender or other person)* at *(place)* personally on *(date)*.
- * by leaving the schedule of inhibition, and, where the debtor is an individual, a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, with *(name and occupation of person with whom left)* at *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available.)*
- * by depositing the schedule of inhibition and, where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, in *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available.)*
- * by leaving the schedule of inhibition and where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, with *(name and occupation of person with whom left)* at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at the place.)*
- * by depositing the schedule of inhibition and where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, at *(place of business)* on *(date)*. *(Specify that*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)

- * by leaving the schedule of inhibition at (registered office or place of business) on (date), in the hands of (name of person).
- * by [*leaving] [*depositing] the schedule of inhibition at (registered office, official address or place of business) on (date) in such a way that it was likely to come to the attention of (name of defender or other person on whom served). (Specify how left.)
- * edictally by leaving the schedule of inhibition and where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, with (name and occupation of person with whom left) at the office of the Extractor of the Court of Session, Parliament Square, Edinburgh on (date) and sending a copy of the schedule and the said Debt Advice and Information Package by [*registered post] [*first class recorded delivery service] to (name and address of residence, registered office, official address or place of business or such last known place) on (date).

I did this in the presence of (name, occupation and address of witness).

(Signed)

Messenger-at-Arms

(Address)

(Signed)

Witness

* Delete where not applicable.

Note

A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with Schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.

SCHEDULE 3

Regulation 3(1)(c)

Sheriff Court form of certificate of execution of inhibition

Form B. Sheriff Court certificate of execution of inhibition

CERTIFICATE OF EXECUTION [*ON THE DEPENDENCE]

I, (*name*), Sheriff Officer, certify that I executed an inhibition [*on the dependence] on the (*date of service*)

against [all land and heritable property in which (*name and address of person inhibited*) has an interest] [*the land and heritable property at (*description of property being inhibited, see note*)] by virtue of-

- * a warrant contained in a Sheriff Court Initial Writ, granted on (*date*)
- * an order of the Sheriff at (*place*) granted on (*date*)
- * a decree by the Sheriff Court at (*place*) granted on (*date*)
- * a document of debt as defined by Section 221 of the Bankruptcy and Diligence etc (Scotland) Act 2007 [*and registered for execution in (*place of registration*) on (*date*)].

obtained at the instance of (*name and address of party inhibiting*) against (*name and address of person inhibited*) on (*name of person on whom executed*)

- * by delivering the schedule of inhibition, and, where the debtor is an individual, a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, to (*name of defender or other person*) at (*place*) personally on (*date*).
- * by leaving the schedule of inhibition, and, where the debtor is an individual, a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, with (*name and occupation of person with whom left*) at (*place*) on (*date*). (*Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available.*)
- * by depositing the schedule of inhibition, and where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, in (*place*) on (*date*). (*Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available*) and by sending copies of same by first class mail to the above mentioned address.
- * by leaving the schedule of inhibition, and where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, with (*name and occupation of person with whom left*) at (*place of business*) on (*date*). (*Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at the place.*)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- * by depositing the schedule of inhibition, and where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place)* and by sending copies of same by first class mail to the above mentioned address.
- * by leaving the schedule of inhibition at *(registered office or place of business)* on *(date)*, in the hands of *(name of person)*.
- * by [*leaving] [*depositing] the schedule of inhibition at *(registered office, official address or place of business)* on *(date)* in such a way that it was likely to come to the attention of *(name of defender or other person on whom served)*. *(Specify how left)* and by sending a copy Schedule of Inhibition by first class mail to the above mentioned address.
- * by leaving the Schedule of Inhibition, and where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, with *(name and occupation of person with whom left)* at the office of the Sheriff clerk at *(place)* on *(date)* and sending a copy of the Schedule and the said Debt Advice and Information Package by first class post to *(defender's last known address)* on *(date)*.
- * by affixing to the door of that person's dwelling place or place of business at *(place)* on *(date)* the Schedule of Inhibition and, where the debtor is an individual a Debt Advice and Information Package as defined by Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002, and by posting a copy of same to the above mentioned address.
- * by an appropriate mode of service as designated in the Sheriff Courts (Scotland) Act 1907 Ordinary Cause Rules 1993 rule 5.5 where the defender resides furth of Scotland being *(insert mode of service executed)*.

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

Witness

* Delete where not applicable.

Note

A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with Schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.

SCHEDULE 4

Regulation 3(1)(d)

Form of Notice of Inhibition

Notice of Inhibition

To: The Keeper of the Registers of Scotland

Inhibitor: *(name and address of inhibitor)*

Inhibitee: *(name and address of the person inhibited)*

NOTICE of inhibition by the said *[name of inhibitor]* against the said *[name of inhibitee]* by virtue of [**an order of [Sheriff] [Court of Session] at (place, if appropriate) and granted on (date)]* [**a document of debt*]-

(Signed)

Agent for the Inhibitor

(Address)

On behalf of

(name and address of Inhibitor)

Dated:

* Delete where not applicable

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 5

Regulation 3(1)(e)

Form of Notice of Summons — breach of inhibition

Notice of Summons in an Action of Reduction of conveyance or deed in breach of an Inhibition

To: The Keeper of the Registers of Scotland

Pursuer: *(name and address of pursuer)*

Defender: *(name and address of defender)*

NOTICE of signed summons in an action of reduction of conveyance or deed in breach of an Inhibition — *(name and designation of pursuer)* against *(name and designation of defender)* signed on *(date of signing)*.

The Summons relates to *(insert description of lands, see note)*

(Signed)

[*Messenger-at-Arms] [*Sheriff Officer]

(Address)

Dated

Note

A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with Schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.

As soon as reasonably practicable (and if possible on the same day) after the Summons is signed this Notice must be registered in the Register of Inhibitions and Adjudications and a copy registered in the [*Land Register of Scotland] [*the Division of the General Register of Sasines for the County of *(County)*].

SCHEDULE 6

Regulation 3(1)(f)

Form of Discharge of Notice of Summons — breach of inhibition

Discharge of Notice of Summons in an Action of Reduction of conveyance or deed in breach of an Inhibition

DISCHARGE of Notice of signeted summons of reduction of a conveyance or deed of or relating to lands granted in breach of Inhibition – (*name and designation of pursuer*) against (*name and designation of defender*) signeted on (*date of summons signeting*) and recorded in the Register of Inhibitions and Adjudications and the [*Land Register of Scotland] [*Division of the General Register of Sasines for the County of (*County*)] on (*insert date of registration*).

This Discharge relates to (*description of lands, see Note*)

(*Signed*)

[*Messenger-at-Arms] [*Sheriff Officer]

(*Address*)

Dated

Note

A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with Schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.

As soon as reasonably practicable after the Summons is signeted this Notice must be registered in the Register of Inhibitions and Adjudications and a copy registered in the [*Land Register of Scotland] [*the Division of the General Register of Sasines for the County of (*County*)].

*Delete where not applicable

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 7

Regulation 4(a)

Form of schedule of arrestment in execution

SCHEDULE OF ARRESTMENT IN EXECUTION

REFERENCE NUMBER *(Reference Number of creditor or officer of court, if any)*Date: *(date of execution)*Time: *(time of execution)*To: *(name and address of arrestee)*IN HER MAJESTY'S NAME AND AUTHORITY [*AND IN THE NAME AND AUTHORITY OF THE SHERIFF], I, *(name)*, [*Messenger-at-Arms] [*Sheriff Officer], by virtue of—* a decree *(describe decree)* dated *(date)* in accordance with Section 73A(4) of the Debtors (Scotland) Act 1987,* a document of debt *(describe document of debt)* dated *(date)* in accordance with Section 73A(4) of the Debtors (Scotland) Act 1987,

obtained at the instance of *(name and address of party arresting)*, arrest in your hands the sum in excess of the Protected Minimum Balance where applicable *(see Note 1)* due by you to *(debtor's name and address)* or to any other person for and on behalf of the debtor up to the Maximum Sum calculated in accordance with Section 73E(2)(b) of the Debtors (Scotland) Act 1987—

MAXIMUM SUM	£
-------------	---

and

where you are liable to pay a lesser sum to the said *(debtor's name)* than the Maximum Sum, the whole of that sum together with any moveable property in your hands belonging or pertaining to *(debtor's name)* is also arrested in your hands *(see Note 2)*, all to remain in your hands under arrestment until they are made forthcoming to *(name of party arresting)* or until further order of the court. *(See Note 3 on Automatic Release)*

This I do in the presence of *(name, occupation and address of witness)**(Signed)*

[*Messenger-at-Arms] [*Sheriff Officer]

(Address)

* Delete as appropriate

This Schedule arrests in your hands (i) debts due by you to *(debtor's name)*; and (ii) goods and other moveables held by you for the debtor. **You should not pay any debts to the debtor or hand over any goods or other moveables to the debtor without taking legal advice.**

IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS DOCUMENT, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.

Additional Notes

NOTE

1. The Protected Minimum Balance is the sum referred to in s.73F(4) of the Debtors (Scotland) Act 1987. This sum is currently set at *(insert sum)*. The Protected Minimum Balance applies where the arrestment attaches funds standing to the credit of a debtor held by a bank or other financial institution and the debtor is an individual. The Protected Minimum Balance does not apply where the account is held in the name of a company, a limited liability partnership, a partnership or an unincorporated association or where the account is operated by the debtor as a trading account.
2. Moveable property is only attached where the funds held by the arrestee are insufficient to cover the Maximum Sum stated above (s.73E(4) of the Debtors (Scotland) Act 1987).
3. **Automatic Release**
On the expiry of the period of 14 weeks beginning with the date of service of this Schedule you must release to the creditor (or you may release the sum earlier if a mandate authorises you to do so), the **lesser** amount of—
 - (a) the sum attached by the arrestment
 - (b) the sum due by you to the debtor; or
 - (c) the total of *(insert sum)* being the sum calculated in accordance with s.73K(c) of the Debtors (Scotland) Act 1987.

Automatic Release is **not** required where—

- you, the debtor or a third party have raised a Notice of Objection in terms of s.73M of the Debtors (Scotland) Act 1987
- the debtor has applied to the Sheriff for release of the property where the arrestment is unduly harsh in terms of s.73Q of the Debtors (Scotland) Act 1987
- an action of multiplepounding is raised in relation to the funds attached by the arrestment; or
- the arrestment is recalled, restricted or otherwise ceases to have effect.

Duty of disclosure to the creditor

You **MUST** also, within 3 weeks beginning with the day on which the arrestment is executed, disclose to the creditor the nature and value, in so far as it is known, of any funds and/or moveable property which have been attached. Failure to comply can lead to a financial penalty under s.73H of the Debtors (Scotland) Act 1987.

This Disclosure must be in the form in Schedule 8 to the Diligence (Scotland) Regulations 2009.

You should, at the same time, copy the Disclosure to—

- (a) the debtor; and
- (b) any person—
 - (i) who owns (or claims to own) attached property, or
 - (ii) to whom attached funds are (or are claimed to be) due solely or in common with the debtor.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 8

Regulation 4(b)

Form of disclosure by arrestee

REFERENCE NUMBER *(Reference Number of creditor or officer of court, if any)*Date: *(date)*To *(name and address of creditor)*

*I/We *(name and address of arrestee)* by virtue of an arrestment, executed on *(date of Schedule of Arrestment)* and in accordance with Section 73G of the Debtors (Scotland) Act 1987

hereby disclose that the following [*funds] [*and] [*property], due to *(debtor's name and address)*, have been attached by arrestment

* the sum of *(amount)*, *(See Note 1)*

[*AND]

* the property *(description of property)* which, in so far as it is known to *me/us, has the value of *(amount)*. *(See Note 2)*

A copy of this Disclosure has, at the same time, been sent to—

- a. *(debtor's name)*; and
- b. any person—
 - i. who owns (or claims to own) attached property; or
 - ii. to whom attached funds are (or are claimed to be) due solely or in common with the debtor.

Signed

for and on behalf of *(name and address of arrestee)*

* Delete where not applicable.

IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS DOCUMENT, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.

NOTES

1. State the nature and value of the attached funds.
2. A description sufficient to identify the extent and nature of the property is required.
3. If this Arrestment is in execution of a decree or document of debt then you should note that some of the funds attached may be subject to Automatic Release 14 weeks from the date of the Schedule of Arrestment, under Section 73J of the Debtor's (Scotland) Act 1987.
4. If this Arrestment is in pursuance of a warrant granted for diligence on the dependence of a court action then you should note that some of the funds attached may be subject to Automatic Release 14 weeks from the date of service of a copy of a final decree in the action, under Section 73J of the Debtor's (Scotland) Act 1987.

SCHEDULE 9

Regulation 4(c)

Form of debtor mandate

REFERENCE NUMBER *(Reference Number of creditor or officer of court, if any)*

Date: *(date)*

*I/We, *(name and address of debtor)*, by virtue of the Schedule of Arrestment dated *(date)* obtained at the instance of *(name and address of creditor)* hereby authorise the release of

* the sum of *(amount)*, due by *(name and address of arrestee)* to *me/us or to any other person on my/our behalf

[*and]

* the property *(full description of property)* due by *(name and address of arrestee)* to *me/us or to any other person on my/our behalf

by the said *(name of arrestee)* to the said *(name of creditor)*.

(Signed)

Debtor

[*And, where applicable, *(name of creditor)* confirms that upon implementation of this mandate this correspondence can be taken as a formal letter advising the *(name of arrestee)* that the arrestment can be considered withdrawn and departed from and no further letter of withdrawal will be issued.

No further letter of withdrawal will be issued by us.

Signed.....

For and on behalf of *(creditor)*.]

* Delete where not applicable.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision, from 22nd April 2009, for prescribed forms to be used in diligence procedures as a result of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (“the 2007 Act”).

In relation to Part 5 of the 2007 Act (inhibition), they prescribe the forms for documentation required to be used in the procedure for the diligence of inhibition. They also provide for a copy of a schedule of inhibition to be registered in the Register of Inhibitions and Adjudications (regulation 3 and Schedules 1 to 6).

In relation to Part 10 of the 2007 Act (arrestment in execution and action of furthcoming), regulation 4 and Schedules 7 to 9 prescribe the forms for documentation required to be used in the procedure for arrestment in execution.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
