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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 51**

**The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019**

**Amendment of the Bankruptcy and Diligence etc. (Scotland) Act 2007**

**6.—**(1) The Bankruptcy and Diligence etc. (Scotland) Act 2007<sup>(1)</sup> is amended in accordance with paragraphs (2) to (6).

(2) In section 214 (expressions used in this Part)—

(a) in subsection (1)—

(i) in the definition of “a decree for removing from heritable property”, in paragraph (a) after “decree” insert “, order”,

(ii) in the definition of “an action for removing from heritable property” after “decree”, in both places where it appears, insert “, order”, and

(iii) after the definition of “defender” insert—

“the First-tier Tribunal” means the First-tier Tribunal for Scotland,” and

(b) in subsection (2) after “decrees”, in both places where it appears, insert “, orders”.

(3) In section 215 (procedure for execution of removing)—

(a) after “Act of Sederunt” insert “or by rules made under section 68 or paragraph 4 of schedule 9 of the Tribunals (Scotland) Act 2014”, and

(b) after “such Act” insert “or rules”.

(4) In section 216(4) (service of charge before removing)—

(a) after “decree” insert “or order”, and

(b) after “court”, in both places where it appears, insert “or the First-tier Tribunal”.

(5) In section 217 (when removing not competent)—

(a) in subsection (1) after “Act of Sederunt” insert “or by rules made under section 68 or paragraph 4 of schedule 9 of the Tribunals (Scotland) Act 2014”, and

(b) in subsection (2) insert after “situated” insert “, or from the First-tier Tribunal”.

(6) In section 218 (preservation of property left in premises), after “court”, on each occasion where it appears, insert “or the First-tier Tribunal”.