

These notes relate to the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) which received Royal Assent on 15 January 2007

BANKRUPTCY AND DILIGENCE ETC. (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT

Commentary

Schedule 5 – Minor and Consequential Amendments (Introduced by Section 226)

Paragraph 30(4) – Debt Arrangement and Attachment (Scotland) Act 2002

858. Paragraph 30(4) of schedule 5 inserts a new section 13A into the 2002 Act.

New section 13A – schedule of attachment

859. New section 13A provides that a judicial officer executing an attachment must, immediately after doing so, complete an attachment schedule. Subsection (2) provides for the format of the schedule to be provided for in rules of court and that it must specify the articles attached. In addition, it must specify, where known, the value of those articles. Subsection (3) requires the officer to give a copy of the schedule to the debtor (or, if that is not possible, to take other steps, the aim of which is to give the debtor notice that the attachment has been executed). Subsection (4) provides that the attachment is executed on the day on which the officer gives the debtor the schedule (or takes those other steps). This is to make it clear when the attachment is executed and, in particular, to clarify that articles may be attached even though the officer decides (under section 15(3) of the 2002 Act) that a professional valuation of them is needed. In practical terms, it may not be possible to have such a valuation carried out on the same day as the attachment. This section makes it clear that, nevertheless, the articles are still attached pending that valuation.