

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

Part 4 – Land Attachment and Residual Attachment

Chapter 2 – Attachment of land

Consequences of land attachment

Section 89 – Effect of debtor’s death before land attachment created

264. [Section 89\(1\)](#) applies where a debtor dies after a creditor has taken steps to begin or carry out a land attachment but before a land attachment has been created. [Section 90](#) covers the case where a debtor dies after a land attachment is created.
265. The basic position, as set out in subsection (2), is that any steps taken cease to have effect and the charge served on the debtor becomes void.
266. Subsection (3) provides that nothing in subsection (2) stops the creditor from proceeding to raise, against any executor of the debtor, an action to constitute the debt against the debtor’s estate.
267. Subsection (4) provides that any warrant for diligence in such an action authorises land attachment.