



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 17

GENERAL AND MISCELLANEOUS

VALID FROM 16/01/2007

Execution of diligence: electronic standard securities

222 Registration and execution of electronic standard securities

- (1) The Requirements of Writing (Scotland) Act 1995 (c. 7) is amended as follows.
- (2) In section 6(1) of that Act (recording and registration of documents), after “subsection (3) below” insert “ and section 6A of this Act ”.
- (3) After section 6 of that Act insert—

“6A Registration for preservation and execution of electronic standard securities

- (1) This section applies where an electronic document, which creates a standard security over a real right in land, is presumed under section 3A of this Act to have been authenticated by the granter.
- (2) An office copy of the electronic document may be registered for preservation and execution in the Books of Council and Session or in the sheriff court books.
- (3) An office copy so registered is to be treated for the purposes of executing any diligence (including, for the avoidance of doubt, for the purposes of sections 1 and 2 of the Writs Execution (Scotland) Act 1877 (c. 40)) as if—
 - (a) the standard security were created by a document to which section 6(2) of this Act applies; and

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Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Part 17. (See end of Document for details)

(b) the office copy were that document.”.

General

VALID FROM 08/03/2007

223 Crown application

- (1) Subject to subsection (2) below, this Act binds the Crown acting in its capacity as a creditor.
- (2) An amendment or other modification by this Act of an enactment binds the Crown to the same extent as the enactment being amended or modified.

224 Orders and regulations

- (1) Any power conferred by this Act on the Scottish Ministers to make orders or regulations is exercisable by statutory instrument.
- (2) Any power conferred by this Act on the Scottish Ministers to make orders or regulations—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes; and
 - (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Scottish Ministers think fit.
- (3) A statutory instrument containing an order or regulations made under this Act (other than an order under section 227(3) of this Act) is, subject to subsections (4) and (5) below, subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) No statutory instrument—
 - (a) containing an order which makes provision such as is mentioned in section 225(2) of this Act; or
 - (b) containing—
 - (i) regulations made under section 50(4), 83(3), 92(2) or (3), 97(7)(b) or 98(6) of this Act; or
 - (ii) the first regulations made under section 220(1) of this Act,
 may be made unless a draft of it has been laid before, and approved by a resolution of, the Scottish Parliament.
- (5) Subsection (3) above does not apply to a statutory instrument containing further regulations made under section 220(1) of this Act where a draft of it has been laid before, and approved by a resolution of, the Scottish Parliament.

225 Ancillary provision

- (1) The Scottish Ministers may, by order made by statutory instrument, make such incidental, supplemental, consequential, transitory, transitional or saving provision which they consider necessary or expedient for the purposes of this Act or in consequence of any provision made by or under this Act.

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- (2) An order under subsection (1) above may modify any enactment (including this Act) or instrument.

VALID FROM 31/03/2007

226 Minor and consequential amendments and repeals

- (1) Schedule 5 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, has effect.
- (2) The enactments mentioned in the first column of Part 1 of schedule 6 to this Act are repealed to the extent specified in the second column of that schedule.
- (3) The enactment mentioned in the first column of Part 2 of schedule 6 to this Act is revoked to the extent specified in the second column of that schedule.

Commencement Information

- II** S. 226 partly in force; s. 226 not in force at Royal Assent see s. 227; s. 226(1) in force for certain purposes at 31.3.2007 by S.S.I. 2007/82, art. 4(c); s. 226(1)(2) in force for certain purposes and s. 226(3) in force at 1.4.2008 by S.S.I. 2008/115, art. 3(1)(h) (with arts. 4-6, 10); s. 226(1)(2) in force for certain further purposes at 22.4.2009 by S.S.I. 2009/67, art. 3 (with transitional modifications and savings in arts. 4-6); s. 226(1) in force for certain further purposes at 23.11.2009 by S.S.I. 2009/369, art. 3 (with transitional modifications in art. 4)

227 Short title and commencement

- (1) This Act may be cited as the Bankruptcy and Diligence etc. (Scotland) Act 2007.
- (2) Section 222 of this Act comes into force on the day after Royal Assent.
- (3) The remaining provisions of this Act, except this section and sections 224 and 225, come into force on such day as the Scottish Ministers may, by order, appoint.
- (4) Different days may, under subsection (3) above, be appointed for different purposes.

Subordinate Legislation Made

- P1** S. 227(3) power partly exercised; 8.3.2007 appointed for specified provisions and purposes by {S.S.I. 2007/82}, arts. 3, 4; 19.2.2008 appointed for specified provisions by {S.S.I. 2008/45}, art. 2 (with art. 3); 1.4.2008 appointed for specified provisions and purposes by {S.S.I. 2008/115}, art. 3 (with arts. 4-6, 10) (as amended (23.2.2009) by S.S.I. 2009/67, art. 7); 22.4.2009 appointed for specified provisions and purposes by {S.S.I. 2009/67}, art. 3, Sch. 1, Sch. 2 (with transitional modifications and savings in arts. 4-6); 23.11.2009 appointed for specified provisions and purposes by {S.S.I. 2009/369}, art. 3, Sch. 1 (with transitional modifications in art. 4)

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