

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 5 – Inhibition

Creation

Section 149 – Date on which inhibition takes effect

420. This section replaces section 155 of the Titles to Land Consolidation (Scotland) Act 1868 with a new version of that section.
421. New section 155 provides that an inhibition takes effect on the day it is registered unless
- a separate notice of inhibition is registered in the Register of Inhibitions;
 - the schedule of inhibition is served on the debtor after that notice is registered; and
 - the inhibition is registered before 21 days have expired from the date of registering the notice.
422. In those circumstances, the inhibition takes effect from the date of the serving of the schedule. A notice of inhibition must be in the form prescribed by the Scottish Ministers by regulations. By virtue of section 159B of the 1868 Act (inserted by section 164 of this Act), such regulations are subject to negative resolution procedure.