



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 8

ATTACHMENT OF MONEY

Money attachment

175 Meaning of “money” and related expressions

(1) In this Part—

“cash” means coins and banknotes in any currency;

“banking instrument” means—

- (a) cheques and other instruments to which section 4 of the Cheques Act 1957 (c. 36) applies;
- (b) any document (other than one mentioned in section 4(2)(c) of that Act) issued by a public officer which is intended to enable a person to obtain payment from a government department of the sum mentioned in it;
- (c) promissory notes (other than banknotes);
- (d) other negotiable instruments; and
- (e) money orders and postal orders; and

“money” means cash and banking instruments but does not include any cash or instrument which has an intrinsic value greater than any value it may have as a medium of exchange; and any reference to the value of money is, unless the context otherwise requires, a reference to—

- (a) the amount of cash;
- (b) where that cash is in a currency other than sterling, the amount in sterling which that cash would realise on its conversion under section 177(3) of this Act;
- (c) the amount in cash which would be obtained were the value of a banking instrument realised; and

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 175. (See end of Document for details)

- (d) in the case where money comprises both cash and instruments, the aggregate of the amounts referred to in, as the case may be, paragraphs (a) to (c) above.
- (2) In the definition of “banking instrument” in subsection (1) above, “government department” includes—
- (a) any Minister of the Crown;
 - (b) any part of the Scottish Administration;
 - (c) the National Assembly for Wales;
 - (d) the Northern Ireland Assembly, any Northern Ireland Minister or Northern Ireland junior Minister and any Northern Ireland department.
- (3) The Scottish Ministers may by order modify the definition of “banking instrument” in subsection (1) above so as to—
- (a) add or remove types of instrument to or, as the case may be, from those referred to in that definition; or
 - (b) vary the descriptions of the types of instrument so referred to.

Commencement Information

- II** S. 175 wholly in force at 23.11.2009; s. 175 not in force at Royal Assent see s. 227; s. 175(3) in force for certain purposes at 1.4.2008 by S.S.I. 2008/115, art. 3(4), Sch. 3 (with arts. 4-6, 10); s. 175 in force at 23.11.2009 in so far as not already in force by S.S.I. 2009/369, art. 3 (with transitional modifications in art. 4)

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