



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 8

ATTACHMENT OF MONEY

Execution of money attachment

177 Removal of money attached

- (1) The [^{F1}officer of court] must attach and remove, from the place in which it is found, such money, the value of which in the opinion of the officer does not exceed a sum equal to the sum mentioned in subsection (2) below (in this Part, the “sum recoverable by the money attachment”).
- (2) That sum is—
 - (a) the sum for the payment of which the charge was served, together with any interest accruing after such service and before the money attachment ceases to have effect; and
 - (b) all expenses which are chargeable against the debtor by virtue of the money attachment.
- (3) Where cash in a currency other than sterling is attached, the [^{F2}officer of court] must, as soon as reasonably practicable after attaching it, convert that cash into sterling.
- (4) The [^{F2}officer of court] must take all reasonable steps to obtain the highest amount for such cash as is practicable.
- (5) The [^{F2}officer of court] must deposit any cash attached and any proceeds of converting cash in a currency other than sterling in a bank account.
- (6) The [^{F2}officer of court]—
 - (a) need not attach any banking instruments other than cheques unless instructed to do so by the creditor; and
 - (b) is not liable to the creditor for any loss caused by the failure to attach any such instruments unless so instructed.

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 177. (See end of Document for details)

- (7) The [F²officer of court] must, subject to section 180(1) of this Act, value any instruments attached at the price which they are likely to fetch on the open market.
- (8) Where any instruments are attached, the [F²officer of court] must ensure that they are kept in a secure place.
- (9) In this Part, any reference to money being attached includes a reference to it being removed under subsection (1) above.

Textual Amendments

- F1** Words in s. 177(1) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 24\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F2** Words in s. 177(3)–(8) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 24\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1

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