



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 17

### GENERAL AND MISCELLANEOUS

#### 221 Interpretation

In this Act—

the “1985 Act” means the Bankruptcy (Scotland) Act 1985 (c. 66);  
the “1987 Act” means the Debtors (Scotland) Act 1987 (c. 18);  
the “2002 Act” means the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17);

<sup>F1</sup>  
...

“certified electronic signature” is to be read in accordance with section 7(2) and (3) of the Electronic Communications Act 2000 (c. 7);

<sup>F2</sup>  
...

“debt advice and information package” has the meaning given by section 81(8) of this Act;

“decree” means—

- (a) a decree of the Court of Session, of the High Court of Justiciary or of the sheriff;
- (b) a decree of the Court of Teinds;
- (c) a summary warrant;
- (d) a civil judgement granted outside Scotland by a court, tribunal or arbiter which, by virtue of any enactment or rule of law, is enforceable in Scotland;
- (e) an order or determination which, by virtue of any enactment, is enforceable as if it were an extract registered decree arbitral bearing a warrant for execution granted by the sheriff;
- (f) a warrant granted in criminal proceedings for enforcement by civil diligence;

*Changes to legislation: Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 221 is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (g) an order under section 114 of the Companies Clauses Consolidation (Scotland) Act 1845 (c. 17);
- (h) a determination under section 46 of the Harbours, Docks and Piers Clauses Act 1847 (c. 27); or
- (i) a liability order within the meaning of section 33(2) of the Child Support Act 1991 (c. 48);

“document of debt” means—

- (a) a document registered for execution in the Books of Council and Session or in the sheriff court books;
- (b) a bill protested for non-payment by a notary public; <sup>F3</sup>...
- (c) a document or settlement which, by virtue of an Order in Council made under section 13 of the Civil Jurisdiction and Judgments Act 1982 (c. 27), is enforceable in Scotland;
- (d) <sup>F4</sup>...
- (e) [<sup>F5</sup>a maintenance arrangement (within the meaning of Article 3(e) of the Hague Convention) which is registered in the sheriff court under the Hague Convention;]

“electronic communication” has the meaning given by section 15(1) of the Electronic Communications Act 2000 (c. 7);

[<sup>F6</sup>“the Hague Convention” means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007;

<sup>F7</sup> ...]

<sup>F2</sup> ...

[<sup>F8</sup> “officer of court ” means a messenger-at-arms or a sheriff officer; ]

“professional association” shall be construed in accordance with section 63(1)(a) of this Act.

### Textual Amendments

- F1** Words in s. 221 omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 27(a)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 221 repealed (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 Pt. 2**; S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F3** Word in s. 221 omitted (coming into force in accordance with reg. 1(b) of the amending S.S.I.) by virtue of The International Recovery of Maintenance (Hague Convention 2007) (Scotland) Regulations 2012 (S.S.I. 2012/301), reg. 1(b), **Sch. para. 3(2)(b)(i)**
- F4** Words in s. 221 omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 27(b)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 221 inserted (coming into force in accordance with reg. 1(b) of the amending S.S.I.) by The International Recovery of Maintenance (Hague Convention 2007) (Scotland) Regulations 2012 (S.S.I. 2012/301), reg. 1(b), **Sch. para. 3(2)(b)(ii)**
- F6** Words in s. 221 inserted (coming into force in accordance with reg. 1(b) of the amending S.S.I.) by The International Recovery of Maintenance (Hague Convention 2007) (Scotland) Regulations 2012 (S.S.I. 2012/301), reg. 1(b), **Sch. para. 3(2)(c)**
- F7** Words in s. 221 omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 27(c)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

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<b>F8</b>	Words in s. 221 inserted (31.1.2011) by <a href="#">Public Services Reform (Scotland) Act 2010 (asp 8)</a> , s. 134(7), <a href="#">Sch. 4 para. 30</a> ; S.S.I. 2011/30, art. 3(1)(3), Sch. 1
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**Changes to legislation:**

Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 221 is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 221 words substituted by [2008 c. 6 Sch. 7 para. 6](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))