



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 4

LAND ATTACHMENT AND RESIDUAL ATTACHMENT

CHAPTER 2

ATTACHMENT OF LAND

Land attachment

83 Notice of land attachment

- (1) A notice of land attachment must—
 - (a) be in (or as nearly as may be in) the form prescribed by Act of Sederunt;
 - (b) describe the land to be attached; and
 - (c) be registered in both—
 - (i) the property register in which title to the land is registered (in this Chapter, the “appropriate property register”); and
 - (ii) the Register of Inhibitions.
- (2) It is not competent to register a notice of land attachment unless the sum which the debtor has been charged to pay exceeds the sum mentioned in subsection (3) below.
- (3) That sum is—
 - (a) £3,000; or
 - (b) such other sum as may be prescribed by the Scottish Ministers by regulations.
- (4) It is competent to register a single notice of land attachment in relation to two or more sums which, under separate warrants for diligence in execution, the debtor has been charged to pay.

Status: This is the original version (as it was originally enacted).

- (5) The judicial officer must, on or as soon as is reasonably practicable after the day or, as the case may be, the last day on which the notice of land attachment is registered, serve a copy of the notice on—
- (a) the debtor;
 - (b) any person who owns the land (whether solely or in common with the debtor);
and
 - (c) any tenant under a long lease of the land.
- (6) If, before the expiry of the period of 28 days referred to in section 81(3) of this Act, the creditor does not register a certificate of service on the debtor, the notice of land attachment is, and is deemed always to have been, void.
- (7) Subsection (1) above applies to a certificate of service as it applies to a notice of land attachment.