
EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order brings into force on 22nd April 2009 provisions of the [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#) (“the Act”), subject to transitional and saving provisions.

The provisions brought into force are Part 5 (inhibition), Part 10 (arrestment in execution and actions of furthcoming), except for the requirement to send a debt advice and information package, and section 169 (diligence on the dependence) for all remaining purposes. Related amendments and repeals in schedules 5 and 6 are brought into force, together with some further consequential amendments and repeals.

Articles 4 to 6 set out transitional arrangements. References to “judicial officer” in provisions commenced by the Order are to be read as references to messengers-at-arms or sheriff officers prior to the coming into force of section 60 of the Act (abolition of those offices) (article 4). References to the Register of Inhibitions are to be read as references to the Register of Inhibitions and Adjudications prior to the coming into force of section 80 of the Act renaming that Register accordingly (article 5).

Article 6 means that the provisions commenced by this Order do not apply to inhibitions or arrestments executed before 22nd April 2009, except for diligence on the dependence where the court grant decree. From that point, that inhibition and arrestment may be subject to the provisions of the Act commenced by this Order.

Article 7 corrects the transitional arrangements for provision of information in earnings arrestment in S.S.I.

[2008/115](#).

The Act received Royal Assent on 15th January 2007. Sections 224, 225 and 227 of the Act came into force on Royal Assent and section 222 came into force on the day after Royal Assent.