

Status: Point in time view as at 31/01/2018.

Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Cross Heading: Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3). (See end of Document for details)

SCHEDULES

SCHEDULE 5

MINOR AND CONSEQUENTIAL AMENDMENTS

Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)

90 The Bankruptcy and Diligence etc. (Scotland) Act 2007 is amended as follows.

Commencement Information

- I1** Sch. 5 para. 90 in force at Royal Assent for specified purposes, see s. 58
- I2** Sch. 5 para. 90 in force at 31.10.2017 for specified purposes by S.I. 2017/991, reg. 2(x)
- I3** Sch. 5 para. 90 in force at 31.1.2018 in so far as not already in force by S.I. 2018/78, reg. 5(1)(f)

91 (1) Section 214 (expressions used in Part 15) is amended as follows.

(2) In subsection (1)—

- (a) omit “and” after the definition of “a decree for removing from heritable property”, and
- (b) after the definition of “an action for removing from heritable property” insert—

““defender”, in relation to a decree for removing from heritable property of the type mentioned in subsection (2)(l), means any person against whom the decree is enforceable.”

(3) In subsection (2)—

- (a) omit “and” at the end of paragraph (j), and
- (b) after paragraph (k) insert “; and
 - (l) a decree of removing and warrant for ejection granted under section 266(8ZA) of the Proceeds of Crime Act 2002.”

Commencement Information

- I4** Sch. 5 para. 91 in force at Royal Assent for specified purposes, see s. 58
- I5** Sch. 5 para. 91 in force at 31.10.2017 for specified purposes by S.I. 2017/991, reg. 2(y)
- I6** Sch. 5 para. 91 in force at 31.1.2018 in so far as not already in force by S.I. 2018/78, reg. 5(1)(f)

92 In section 216 (service of charge before removing)—

- (a) in subsection (1), in paragraph (a), for “14 days” substitute “the appropriate period”, and
- (b) after that subsection insert—

“(1A) In subsection (1)(a), “the appropriate period” means—

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- (a) in the case of a decree for removing from heritable property of the type mentioned in paragraph (l) of section 214(2), 28 days,
- (b) in the case of a decree for removing from heritable property of the type mentioned in any other paragraph of that section, 14 days.”

Commencement Information

I7 [Sch. 5 para. 92](#) in force at Royal Assent for specified purposes, see [s. 58](#)

I8 [Sch. 5 para. 92](#) in force at 31.1.2018 in so far as not already in force by [S.I. 2018/78, reg. 5\(1\)\(g\)](#)

93 In section 218 (preservation of property left in premises), after subsection (2) insert—

“(3) In the application of this section to the granting of a decree for removing from heritable property of the type mentioned in section 214(2)(l), “pursuer” means the trustee for civil recovery who is responsible by virtue of section 267(3)(ba) of the Proceeds of Crime Act 2002 for enforcing the decree.”

Commencement Information

I9 [Sch. 5 para. 93](#) in force at Royal Assent for specified purposes, see [s. 58](#)

I10 [Sch. 5 para. 93](#) in force at 31.1.2018 in so far as not already in force by [S.I. 2018/78, reg. 5\(1\)\(g\)](#)

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