

SCHEDULE 3
MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

ACTS

Bankruptcy (Scotland) Act 1985 (c. 66)

- 15 (1) The Bankruptcy (Scotland) Act 1985 is amended in accordance with this paragraph.
- (2) In section 7(1)(c) (constitution of apparent insolvency following poinding or seizure in pursuance of summary warrant), for “a poinding” there is substituted “an attachment (or an attempt to attach)”.
- (3) In section 33(1) (limitation on types of property which may vest in trustee during sequestration), for paragraph (a) there is substituted—
- “(a) any property kept outwith a dwellinghouse in respect of which attachment is, by virtue of section 11(1) of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), incompetent;
 - (aa) any property kept in a dwellinghouse which is not a non-essential asset for the purposes of Part 3 of that Act;”.
- (4) In section 37 (effect of sequestration on diligence)—
- (a) for “poinding”, in each place where it occurs in subsections (4) and (5), there is substituted “attachment”;
 - (b) for “poinder”, in both places where it occurs, there is substituted “attacher”; and
 - (c) for “poinded”, in both places where it occurs, there is substituted “attached”.
- (5) In paragraph 24 (effect of apparent insolvency on poindings and arrestments) of Schedule 7—
- (a) in sub-paragraph (1), for “poindings” there is substituted “attachments”; and
 - (b) in sub-paragraph (3)—
 - (i) for “poinding”, where it first occurs, there is substituted “attachment”;
 - (ii) for “a poinding”, where it first occurs, there is substituted “an attachment”;
 - (iii) for “a poinding”, where it second occurs, there is substituted “an attaching”;
 - (iv) for “a sale” there is substituted “an auction”; and
 - (v) for “poinded” there is substituted “attached”.