



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 4

LAND ATTACHMENT AND RESIDUAL ATTACHMENT

CHAPTER 2

ATTACHMENT OF LAND

General and miscellaneous

128 Interpretation

(1) In this Chapter, unless the context otherwise requires—

- “appointed person” has the meaning given by section 97(2)(b) of this Act;
- “appropriate property register” has the meaning given by section 83(1)(c)(i) of this Act;
- “attached land” has the meaning given by section 81(5)(a) of this Act;
- “decree” has the meaning given in section 221 of this Act (except that paragraphs (c), (g) and (h) of the definition of “decree” in that section do not apply) being a decree which, or an extract of which, authorises land attachment;
- “document of debt” has the meaning given in section 221 of this Act, being a document which, or an extract of which, authorises land attachment;
- “judicial officer” means the judicial officer appointed by the creditor;
- “land” has the meaning given by section 82(1) of this Act;
- “long lease” has the same meaning as in section 28(1) of the Land Registration (Scotland) Act 1979 (c. 33);
- “notice of land attachment” has the meaning given by section 83(1) of this Act;
- “prescribed sum” has the meaning given by section 92(1)(c) of this Act;
- “property register” means the Land Register of Scotland or, as the case may be, the General Register of Sasines;

Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation: Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 128 is up to date with all changes known to be in force on or before 30 September 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)

“registering”, in relation to any document, means, unless the context otherwise requires, registering an interest in land or information relating to an interest in land (being an interest or information for which that document provides) in the Land Register of Scotland or, as the case may be, recording the document in the Register of Sasines (cognate expressions being construed accordingly);

“sum recoverable by the land attachment” has the meaning given by section 81(5) (b) of this Act; and

“warrant for sale” means a warrant granted under section 97(2) of this Act.

(2) In this Chapter—

(a) any reference to a purchase, sale, conveyance or disposition is, in a case where the attached land is a lease, to be construed as a reference to an assignment; and

(b) any reference to the ownership of land in such a case is to be construed as a reference to the right of lease,

and cognate expressions are to be construed accordingly.

(3) The Scottish Ministers may by order modify the definitions of “decree” and “document of debt” in subsection (1) above by—

(a) adding types of decree or document to;

(b) removing types of decree or document from; or

(c) varying the description of,

the types of decree or document to which those definitions apply.

Commencement Information

II S. 128 partly in force; s. 128 not in force at Royal Assent see s. 227; s. 128(3) in force for certain purposes at 1.4.2008 by [S.S.I. 2008/115](#), [art. 3\(4\)](#), [Sch. 3](#) (with [arts. 4-6](#), [10](#))

Status:

Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation:

Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 128 is up to date with all changes known to be in force on or before 30 September 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.