



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 8

### ATTACHMENT OF MONEY

#### *Execution of money attachment*

#### **182 Report of money attachment**

- (1) The [<sup>F1</sup>officer of court] must, before the expiry of the period of 14 days beginning with the day on which the money attachment is executed (or such longer period as the sheriff on cause shown may, on the application of the officer, allow), make a report to the sheriff.
- (2) A report under subsection (1) above must be—
  - (a) in (or as nearly as may be in) the form prescribed by Act of Sederunt; and
  - (b) signed by the [<sup>F2</sup>officer of court].
- (3) The report must specify—
  - (a) the money attached;
  - (b) the value of that money;
  - (c) whether any cash in a currency other than sterling was attached and, if so—
    - (i) the exchange rate used; and
    - (ii) any commission incurred,in converting it into sterling;
  - (d) whether any person has asserted that any money attached is not owned by the debtor (or is owned in common by the debtor and a third party);
  - (e) whether the value of any money has been realised under section 181 of this Act; and
  - (f) whether any money attached has been released by virtue of section 185(3), 186 or 188(1) of this Act.
- (4) On making the report, the [<sup>F3</sup>officer of court] must send a copy of it to—

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*Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 182. (See end of Document for details)*

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- (a) the debtor;
  - (b) the creditor; and
  - (c) any person such as is mentioned in subsection (3)(d) above.
- (5) The sheriff may refuse to receive a report on the ground that it has not been made and signed in accordance with subsections (1) and (2) above.
- (6) If the sheriff so refuses—
- (a) the money attachment ceases to have effect;
  - (b) the sheriff must require the [<sup>F4</sup>officer of court] to return the money attached or, where the value of any such money has been realised, a sum equivalent to that value, to the debtor; and
  - (c) the sheriff clerk must intimate the refusal to—
    - (i) the debtor;
    - (ii) the officer;
    - (iii) the creditor; and
    - (iv) any person the sheriff thinks has an interest.
- (7) In this Part, any reference to the day on which the report of money attachment is made is a reference to the day on which the sheriff receives the report under subsection (1) above.

#### Textual Amendments

- F1** Words in s. 182(1) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 24\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F2** Words in s. 182(2)(b) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 24\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F3** Words in s. 182(4) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 24\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F4** Words in s. 182(6)(b) substituted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 24\(2\)](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1

#### Commencement Information

- I1** S. 182 wholly in force at 23.11.2009; s. 182 not in force at Royal Assent see s. 227; s. 182(2)(a) 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](#)); s. 182 in force at 23.11.2009 in so far as not already in force by [S.S.I. 2009/369](#), [art. 3](#) (with transitional modifications in [art. 4](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 182.