



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 15

ACTIONS FOR REMOVING FROM HERITABLE PROPERTY

217 When removing not competent

- (1) It is not competent to execute a decree for removing from heritable property on—
- a Sunday;
 - a day which is a public holiday in the area in which the decree is to be executed; or
 - such other day as may be prescribed by Act of Sederunt [^{F1}or by rules made under section 68 or paragraph 4 of schedule 9 of the Tribunals (Scotland) Act 2014].

- (2) The execution of such a decree must not—
- begin before 8 a.m. or after 8 p.m.; or
 - be continued after 8 p.m.,

unless the [^{F2}officer of court] has obtained prior authority from the sheriff for the district in which the subjects or premises are situated [^{F3}, or from the First-tier Tribunal,] for such commencement or continuation.

Textual Amendments

- F1** Words in s. 217(1) inserted (6.3.2019) by The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51), regs. 1, 6(5)(a)
- F2** Words in s. 217(2) 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. 217(2) inserted (6.3.2019) by The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51), regs. 1, 6(5)(b)

Status: Point in time view as at 06/03/2019.

Changes to legislation: *There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 217. (See end of Document for details)*

Commencement Information

- I1** S. 217 partly in force; s. 217 not in force at Royal Assent see s. 227; s. 217(1)(c) 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](#))
- I2** S. 217(1)(a)(b)(2) in force at 4.4.2011 by [S.S.I. 2011/179](#), [art. 3\(a\)](#) (with [art. 4](#))
- I3** S. 217(1)(c) in force at 4.4.2011 in so far as not already in force by [S.S.I. 2011/179](#), [art. 3\(a\)](#) (with [art. 4](#))

Status:

Point in time view as at 06/03/2019.

Changes to legislation:

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 217.