
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 179 (C. 16)

DEBT

DILIGENCE

**The Bankruptcy and Diligence etc. (Scotland) Act 2007
(Commencement No. 8 and Transitional) Order 2011**

Made - - - - 8th March 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 224(2) and 227(3) of the Bankruptcy and Diligence etc. (Scotland) Act 2007⁽¹⁾.

Citation

1. This Order may be cited as the Bankruptcy and Diligence etc. (Scotland) Act 2007 (Commencement No. 8 and Transitional) Order 2011.

Interpretation

2. In this Order, “the Act” means the Bankruptcy and Diligence etc. (Scotland) Act 2007.

Appointed day – actions for removing from heritable property

3. The following provisions of the Act, in so far as not already in force, come into force on 4th April 2011:—

- (a) Part 15 (actions for removing from heritable property);
- (b) in schedule 5, paragraph 6(3) (the Sheriff Court (Scotland) (Extracts) Act 1892⁽²⁾);
- (c) in schedule 6, the repeal of the Ejection Caution Act 1594⁽³⁾; and
- (d) section 226(1) and (2) in so far as relating to the provisions commenced by paragraphs (b) and (c) above.

Transitional arrangements – charge before removing

4. No requirement to serve a charge before removing as a consequence of any provision commenced by this Order applies to a decree for removing from heritable property (within the

(1) 2007 asp 3.

(2) 1892 c.17.

(3) 1594 c.27 (Act of the Parliaments of Scotland).

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meaning of section 214(1) of the Act) obtained, granted or made, as the case may be, before 4th April 2011.

St Andrew's House,
Edinburgh
8th March 2011

FERGUS EWING
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (“the Act”), subject to transitional arrangements.

Part 15 (actions for removing from heritable property) is brought into force on 4th April 2011, together with related consequential amendments and repeals.

The Act received Royal Assent on 15th January 2007. Sections 224, 225 and 227 of the Act came into force on Royal Assent and section 222 came into force on the day after Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| s.211 | 8th March 2007 | 2007/82 |
| s.212(1), (2) to (6) (partially) | | |
| s.221 | | |
| s.223 | | |
| s.36 (partially) | 31st March 2007 | 2007/82 |
| s.212(1), (8) to (16) (partially) | | |
| sch. 1, para. 42(a) | | |
| sch. 5, para. 30(1), (5) to (8)(a), (10), (11)(a)(ii) and (b) and (15) (partially) | | |
| s.20 | 19th February 2007 | 2008/45 |
| s.35 | | |
| ss.1 to 17 | 1st April 2008 | 2008/115 |
| s.18(1) to (4) | | |
| ss.19 and 20 | | |
| ss.22 to 24 | | |
| s.25(a) | | |
| s.25(b) (partially) | | |
| s.36 (partially) | | |
| s.169 (partially) | | |
| ss.170 and 171 | | |
| s.173 | | |
| ss.199 to 205 | | |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| s.206 (partially) | | |
| s.208 | | |
| ss.209 and 210 | | |
| sch.1, paras. 1 to 40 | | |
| sch.1, para. 41(b) | | |
| sch.1, paras. 42 and 43 | | |
| sch.1, para. 44(partially) | | |
| sch.1, paras. 45 to 62 | | |
| sch.5, para. 10 (partially) | | |
| sch.5, para. 12 | | |
| sch.5, para. 13 (partially) | | |
| sch.5, para. 16 (partially) | | |
| sch.5, para. 26 (partially) | | |
| sch.5, para. 30 (partially) | | |
| sch.6, Part 1 (partially) | | |
| sch.6, Part 2 | | |
| ss.21(3), (4) and (7), 25(a), 37(7) and (8), 50(4) and (5), 58(5)(c), 61(1), (2) and (3), 63(1) and (2), 75(7), 81(7), 83(1)(a) and (3)(b), 88(3) (a), 91(2), (3)(b), (4)(a), (4)(c)(vi), (5)(f) and (7), 96(5), 97(7), 98(6), 106(2) and (4), 108(2) and (8), 111(2)(b), 113(2)(a), 114(4), 117(2), (7)(b) and (8)(a), 120(5), 123(2)(a) and (5), 124(2), 128(3), 129, 130(2)(a), 133(2)(a), 135(2)(a) and (d)(ii), 140(2)(a) and (5), 143(5), 145(2), 146(9), 148(3), 149, 162, 164(1) and (2), 175(3), 176(1)(c), 179(2)(a)(i), 182(2)(a), 183(3)(a) and (7)(a), 185(4), 188(4)(a), 189(3) (a), 196(2), 198(2), 206, 214(4), 215, 216(6), 217(1)(c), 220, sch.2, para. 22, sch. 3, para. 4, sch. 5, para. 13(3)(f) and (g), sch.5, para. 30(4) (for the purposes of making regulations or orders) | | |
| ss.146 to 164 | 22nd April 2009 | 2009/98 |
| s.165(1), (3) and (4) | | |
| s.166 to 168 | | |
| s.169 (partially) | | |
| s.206 (partially) | | |
| sch.5, para. 5 | | |
| sch.5, para. 7 (partially) | | |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|---|-----------------------------|--------------------------|
| sch.5, para. 13 (partially) | | |
| sch.5, para. 16 (partially) | | |
| sch.5, para. 18 (partially) | | |
| sch.5, para. 22 (partially) | | |
| sch.5, para. 29 (partially) | | |
| sch.5, para. 30 (partially) | | |
| ss. 174 to 198 | 23rd November 2009 | 2009/369 |
| s.226(1) (partially) | | |
| sch 3 | | |
| sch 5, para. 1 to 2 | | |
| sch 5, para. 4 (partially) | | |
| sch 5, para. 6(1) and (2) (partially) | | |
| sch 5, para. 8 to 9 | | |
| sch 5, para. 10 (partially) | | |
| sch 5, para. 13(1) and (3)(c)(i) and (d)(i), (iii) and (iv) (partially) | | |
| sch 5, para. 15 | | |
| sch 5, para. 16(1), (2)(a) and (4) (partially) | | |
| sch 5, para. 16(7)(a)(iii) | | |
| sch 5, para. 16(8)(a) and (11)(2) and (b) (partially) | | |
| sch 5, para. 17 | | |
| sch 5, para. 19 to 20 | | |
| sch 5, para. 23 to 24 | | |
| sch 5, para. 26(1) (partially) | | |
| sch 5, para. 26(2) | | |
| sch 5, para. 26(3) (partially) | | |
| sch 5, para. 30(1) (partially) | | |
| sch 5, para. 30(3) | | |
| sch 5, para. 32 | 1st July 2010 | 2010/249 |
| s.213 | | |
| sch.4 | | |
| ss.51(2), (3)(b), (4) and (5), 53, 61(1) to (3) | 31st January 2011 | 2011/31 |
| s.63(1) and (2) (partially) | | |

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|-------------------------------------|-----------------------------|-------------------------|
| ss.66, 75, 77 and 78 | | |
| s.226(1) (partially) | | |
| sch 5, para. 7(2)(c) | | |
| s.62 | 1st April 2011 | 2011/31 |
| s.63(1) and (2) (partially) and (3) | | |
| ss.64 and 65 | | |