
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for which sheriff is to hear applications under Part 3A of the Debtors (Scotland) Act 1987 inserted by Part 10 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 concerning arrestment—

- to penalise failure to disclose property and funds attached (article 3)
- to recall or restrict arrestment on notice of objection (article 4)
- for the release of property as unduly harsh (article 5)

Where the arrestment is in execution of a decree or document of debt, it is the sheriff having jurisdiction over the place where the judgment has been or is to be executed, or the place where the debtor is domiciled. For penalising failure to disclose property and funds attached, where the creditor has arrested in pursuance of a warrant granted for diligence on the dependence, it is the sheriff who granted the warrant.