

BANKRUPTCY AND DILIGENCE ETC. (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT

Commentary

Part 15 - Action for Removing from Heritable Property

Section 214 – Expressions used in this part

813. [Section 214](#) sets out the types of removings that will be covered by the new procedures. These include removings which are authorised by virtue of court decrees, warrants or the types of documents set out in subsection (3). This covers a variety of removings, from ejection of squatters (subsection (2)(b)) to tenants whose housing is subject to a demolition order (subsection (2)(g)). For the purposes of this Part, these are collectively labelled “actions for removing from heritable property” and decrees, warrants and other orders obtained in such actions are labelled “decrees for removing from heritable property”.
814. Power is given to the Scottish Ministers by subsection (4) to modify the definitions of decree, warrant or document. If new types of decree, warrant or document are created in the future, this power could be used to extend the new provisions in this Part to them. This power is exercisable by regulations subject to negative resolution procedure.
815. The section following section 214 makes provision for the making of court rules to govern the procedure and practice in execution of a decree of removing from heritable property.