

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Cross Heading: Circumstances where no expenses are due to or by either party. (See end of Document for details)

SCHEDULE 3 EXPENSES OF MONEY ATTACHMENT

Circumstances where no expenses are due to or by either party

3 Subject to paragraph 4 below, the debtor shall not be liable to the creditor nor the creditor to the debtor for any expenses incurred by the other party in connection with—

- (a) an application under section 181(1), 185(1) or 186 of this Act;
- (b) any objections to such an application;
- (c) an opposition, under section 183(6) of this Act, to an application for a payment order;
- (d) a hearing held by virtue of section 183(8), 186(6) or 190(7) of this Act.

4 If—

- (a) an application mentioned in paragraph 3(a) above is frivolous;
- (b) such an application is opposed on frivolous grounds;
- (c) an application for a payment order is opposed on frivolous grounds; or
- (d) a party requires, on frivolous grounds, a hearing mentioned in paragraph 3(d) above to be held,

the sheriff may award a sum of expenses, not exceeding such amount as may be prescribed by the Scottish Ministers by regulations, against the party acting frivolously in favour of the other party.

Commencement Information

- II** Sch. 3 para. 4 wholly in force at 23.11.2009; Sch. 3 para. 4 not in force at Royal Assent see s. 227; Sch. 3 para. 4 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); Sch. 3 para. 4 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)

5 Paragraphs 3 and 4 above do not apply to expenses incurred in connection with an appeal under section 194(1).

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