



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 8

ATTACHMENT OF MONEY

Statement of money attachment

189 Final statement of money attachment

- (1) The [^{F1}officer of court] must, before the expiry of the period of 14 days beginning with the day mentioned in subsection (2) below, give a statement to the sheriff.
- (2) The day referred to in subsection (1) above is the day on which—
 - (a) the [^{F2}officer of court] made payment to the creditor under a payment order; or
 - (b) the money attached (or the last part of it) was returned to the debtor or, as the case may be, a third party by virtue of section 182(6), 183(11), 185(3), 186, 187 or 188 of this Act,whichever is the later.
- (3) The statement mentioned in subsection (1) above must be—
 - (a) in (or as nearly as may be in) the form prescribed by Act of Sederunt; and
 - (b) signed by the [^{F3}officer of court].
- (4) The statement must specify—
 - (a) any banking instruments, the values of which have been realised;
 - (b) the value realised in respect of each such instrument;
 - (c) any sums paid by the debtor to account of the sum recoverable by the money attachment;
 - (d) any chargeable expenses;
 - (e) any sums paid to the creditor;
 - (f) any surplus paid or instruments returned to the debtor or, as the case may be, a third party; and
 - (g) any balance due by or to the debtor.

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 189. (See end of Document for details)

(5) The statement must contain a declaration by the [^{F4}officer of court] that all the information contained within it is, to the best of the officer's knowledge, true.

(6) If the [^{F5}officer of court]—

- (a) without reasonable excuse gives the statement after the expiry of the period mentioned in subsection (1) above; or
- (b) wilfully refuses to make, or delays making, the statement after the expiry of that period,

the sheriff may make an order providing that the officer is liable for the chargeable expenses, either in whole or in part.

^{F6}(7)

Textual Amendments

- F1** Words in s. 189(1) 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
- F2** Words in s. 189(2)(a) 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. 189(3)(b) 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
- F4** Words in s. 189(5) 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
- F5** Words in s. 189(6) 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
- F6** S. 189(7) repealed (31.1.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 4 Pt. 2**; S.S.I. 2011/30, art. 3(1)(3), Sch. 1

Commencement Information

- I1** S. 189 wholly in force at 23.11.2009; s. 189 not in force at Royal Assent see s. 227; s. 189(3)(a) 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); s. 189 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)

Changes to legislation:

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 189.