



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 8

ATTACHMENT OF MONEY

General and miscellaneous

192 Procedure where money owned in common is disposed of

- (1) This section applies where—
- (a) a third party claimed, before attached money was disposed of, to own the money in common with the debtor;
 - (b) the debtor's interest in the money has not transferred to the third party under section 191(2) of this Act;
 - (c) the money attachment has not, by virtue of an order under section 191(3) of this Act, ceased to have effect in relation to that money;
 - (d) the third party's interest in the money has, on the disposal of the money, been—
 - (i) transferred to another person; or
 - (ii) extinguished by virtue of the disposal; and
 - (e) either—
 - (i) the third party's claim is, after that disposal, admitted by the creditor and the debtor; or
 - (ii) where the third party's claim is not so admitted, the sheriff, on an application by the third party after that disposal, is satisfied that the claim is valid.
- (2) The creditor must pay to the third party a sum equal to the fraction of the value of the money which corresponded to the third party's interest in it.