



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 15

### ACTIONS FOR REMOVING FROM HERITABLE PROPERTY

#### 219 Caution for pecuniary claims

- (1) In an action for removing from heritable property, the court may, on cause shown, order the defender to find caution for any payment claimed (other than by way of expenses) by the pursuer for loss arising from the occupation of the subjects or premises by the defender or any other occupant deriving right or having permission from the defender.
- (2) Notwithstanding subsection (1) above, it is no longer competent to order a defender to find caution for violent profits.
- (3) Where an order is made under subsection (1) above, the defender may provide caution—
  - (a) by means of a bond of caution or other guarantee; or
  - (b) by consigning an appropriate sum in court.
- (4) For the avoidance of doubt, the loss referred to in subsection (1) above includes loss arising from the lawful occupation of the subjects or premises by the defender or such other occupant.