



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 15

### ACTIONS FOR REMOVING FROM HERITABLE PROPERTY

#### 214 Expressions used in this Part

(1) In this Part—

“a decree for removing from heritable property” means—

- (a) a decree or warrant such as is mentioned in subsection (2) below; or
- (b) a document such as is mentioned in subsection (3) below; and

“an action for removing from heritable property” means, in the case of a decree or warrant, the proceedings in which such a decree or warrant is obtained.

(2) The decrees and warrants referred to in subsection (1) above are—

- (a) a decree of removing and warrant of ejection obtained in an action of removing;
- (b) a decree and warrant of ejection obtained in an action of ejection;
- (c) a summary warrant of ejection obtained by virtue of section 36 of the Sheriff Courts (Scotland) Act 1907 (c. 51) (in this section, the “1907 Act”);
- (d) a warrant for summary ejection obtained by virtue of section 37 of the 1907 Act;
- (e) a decree obtained by virtue of a summary application for removing under section 38 of the 1907 Act;
- (f) a decree for recovery of possession of heritable property obtained by virtue of a summary cause under section 35(1)(c) of the Sheriff Courts (Scotland) Act 1971 (c. 58);
- (g) an order for possession (within the meaning of section 115(1) of the Rent (Scotland) Act 1984 (c. 58)) obtained by virtue of the Housing (Scotland) Act 1987 (c. 26) or the Housing (Scotland) Act 1988 (c. 43);
- (h) a warrant for ejection of a crofter granted under section 22(3) of the Crofters (Scotland) Act 1993 (c. 44);

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*Status: This is the original version (as it was originally enacted).*

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- (i) an order of removal or ejection made under section 84(1)(e) of the Agricultural Holdings (Scotland) Act 2003 (asp 11); and
- (j) a warrant of ejection obtained by virtue of a summary application under section 38(1) of, or paragraph 3(1) of schedule 5 to, the Housing (Scotland) Act 2006 (asp 1),

being decrees or warrants which, or extracts of which, authorise the removing or ejection of persons from subjects or premises.

- (3) The documents referred to in subsection (1) above are—
  - (a) a lease, or an extract of a lease, having, by virtue of section 34 of the 1907 Act, the same force and effect as an extract decree of removing; and
  - (b) a letter of removal having, by virtue of section 35 of the 1907 Act, the same force and effect as an extract decree of removing.
- (4) The Scottish Ministers may by order modify subsections (2) and (3) above by—
  - (a) adding types of decree, warrant or document to;
  - (b) removing types of decree, warrant or document from; or
  - (c) varying the description of,the types of decree, warrant or document referred to in those subsections.