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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 158**

**DEBT**

**DILIGENCE**

**The Removing from Heritable Property (Form  
of Charge) (Scotland) Regulations 2011**

*Made - - - - 23rd February 2011*  
*Laid before the Scottish*  
*Parliament - - - - 25th February 2011*  
*Coming into force - - 4th April 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 216(6) of the Bankruptcy and Diligence etc. (Scotland) Act 2007<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Removing from Heritable Property (Form of Charge) (Scotland) Regulations 2011 and come into force on 4th April 2011.

**Form of Charge**

2. The form of charge prescribed for the purposes of section 216(1) (service of charge before removing) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 is set out in the Schedule.

St Andrew's House, Edinburgh  
23rd February 2011

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

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<sup>(1)</sup> 2007 asp 3 ("the Act"). Section 216 is amended by section 152(3) of the Housing (Scotland) Act 2010 (asp 17).

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**Status:** *This is the original version (as it was originally made). Scottish  
Statutory Instruments are not carried in their revised form on this site.*

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## SCHEDULE

Regulation 2

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the form of charge required to be served by an officer of the court before removing a person, and any effects that person may have, from heritable property by virtue of a court decree or warrant.

This charge and the procedures for removal are prescribed under Part 15 of the Bankruptcy and Diligence etc. (Scotland) Act 2007. Section 216 of that Act also provides for the removal of an occupant deriving a right or having permission from the defender, subject to any notice to quit for an assured tenant having been provided.