

CHAPTER 14A
INTERIM DILIGENCE

Interpretation

14A.1. In this Chapter—

- “the 1987 Act” means the Debtors (Scotland) Act 1987(a); and
- “the 2002 Act” means the Debt Arrangement and Attachment (Scotland) Act 2002(b).

Application for interim diligence

14A.2.—(1) The following shall be made by motion—

- (a) an application under section 15D(1) of the 1987 Act for warrant for diligence by arrestment or inhibition on dependence of an action or petition or warrant for arrestment on the dependence of an admiralty action;
- (b) an application under section 9C of the 2002 Act for interim attachment.

(2) Such an application must be accompanied by a statement in Form 14A.2.

(3) A certified copy of an interlocutor granting a motion under paragraph (1) shall be sufficient authority for execution of the diligence concerned.

Effect of authority for inhibition on the dependence

14A.3.—(1) Where a person has been granted authority for inhibition on the dependence of an action or petition, a certified copy of the interlocutor granting the motion may be registered with a certificate of execution in the Register of Inhibitions and Adjudications.

(2) A notice of a certified copy of an interlocutor granting authority for inhibition under rule 14.A.2 may be registered in the Register of Inhibitions and Adjudications; and such registration is to have the same effect as registration of a notice of inhibition under section 155(2) of the Titles to Land Consolidation (Scotland) Act 1968(c).

Recall etc of arrestment or inhibition

14A.4.—(1) An application by any person having an interest—

- (a) to loose, restrict, vary or recall an arrestment or an interim attachment; or
 - (b) to recall, in whole or in part, or vary, an inhibition,
- shall be made by motion.

(1A) A motion under paragraph (1) shall—

- (a) specify the name and address of each of the parties;
- (b) where it relates to an inhibition, contain a description of the inhibition including the date of registration in the Register of Inhibitions and Adjudications.

(2) Any person having an interest may apply by motion for a warrant authorising the movement of a vessel or cargo which is the subject of arrestment on the dependence, and paragraphs (2) and (3) of rule 13.11 (movement of arrested property) shall apply in such a case as they apply to the case of that rule.

(a) 1987 c.18.

(b) 2002 asp 9.

(c) 1868 c.101. Section 155(2) was substituted by the Bankruptcy and Diligence etc. (Scotland) Act 2007, section 149.

Incidental applications in relation to interim diligence, etc

14A.5. An application to the Court under Part 1A of the 1987 Act or Part 1A of the 2002 Act not otherwise provided for shall be made by motion.