SCOTTISH STATUTORY INSTRUMENTS

2025 No. 403

LANDLORD AND TENANT

The Bankruptcy and Diligence etc. (Decrees for Removing from Heritable Property) (Scotland) Amendment Order 2025

Made - - - -	*16th December 2025*
Laid before the Scottish Parliament	*18th December 2025*
Coming into force - -	*1st August 2026*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 214(4) of the Bankruptcy and Diligence etc. (Scotland) Act 2007(**a**) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Bankruptcy and Diligence etc. (Decrees for Removing from Heritable Property) (Scotland) Amendment Order 2025 and comes into force on 1 August 2026.

Modification of section 214(2) of the Bankruptcy and Diligence etc. (Scotland) Act 2007

2. In section 214(2) of the Bankruptcy and Diligence etc. (Scotland) Act 2007—

(a) the word "and" immediately following paragraph (k) is repealed,

(b) at the end of paragraph (l) insert

"; and

(m) a warrant of ejection obtained in connection with an order for termination of a tenant's interest in a tenancy made under section 16(3ZA) of the Housing (Scotland) Act 2001,".

MAIRI McALLAN
A member of the Scottish Government

St Andrew's House,
Edinburgh
16th December 2025

(**a**) 2007 asp 3; section 214 was relevantly amended by S.S.I. 2019/51 and the Criminal Finances Act 2017 (c. 22), section 58(5)(6), schedule 5, paragraph 91(3)(b).

EXPLANATORY NOTE

(This note is not part of the Order)

Part 15 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 ("the 2007 Act") sets out the general procedures which are to be followed when removing a person from heritable property. Section 214(2) of the 2007 Act contains a list of the decrees, orders and warrants which are covered by the general procedures.

Section 22(4) of the Domestic Abuse (Protection) (Scotland) Act 2021 (asp 16) inserts paragraph 15A into schedule 2 of the Housing (Scotland) Act 2001 (asp 10, "the 2001 Act"), creating a new ground on which the landlord under a Scottish secure tenancy may raise court proceedings under section 14 of the 2001 Act. On this new ground, the landlord may raise proceedings either: for recovery of possession of the house (in the case of a sole tenant), or for termination of the tenant's interest in the tenancy (in the case of a joint tenant).

Summary cause decrees for recovery of possession are already listed in section 214(2) of the 2007 Act. This Order adds a warrant of ejection obtained in connection with an order for termination of a tenant's interest in a tenancy to the list. This will ensure that the general procedures for removing will apply to such warrants.

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