POLICY NOTE

THE BANKRUPTCY AND DILIGENCE ETC. (DECREES FOR REMOVING FROM HERITABLE PROPERTY) (SCOTLAND) AMENDMENT ORDER 2025

SSI 2025/403

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(**1**) and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

This Order adds a warrant of ejection obtained in connection with an order for termination of a tenant's interest in a tenancy under section 22(4) of the Domestic Abuse (Protection) (Scotland) Act 2021 to the list of summary cause decrees for recovery of possession already listed in section 214(2) of the Bankruptcy and Diligence etc. (Decrees for Removing from Heritable Property) Act 2007.

Policy Objectives

The overarching policy objectives of Part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 are to to improve the immediate and longer term housing outcomes of domestic abuse victims living in social housing who wish to continue living in the family home, including through helping to avoid homelessness.

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UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Bankruptcy and Diligence etc. (Decrees for Removing from Heritable Property) (Scotland) Amendment Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

(**1**) 2007 asp 3; section 214 was relevantly amended by S.S.I. 2019/51.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

There has been engagement with the Scottish Courts and Tribunals Service on whether an action seeking warrant of ejection alongside termination of a joint tenant's interest can be described as an action of ejection. Following this engagement and to remove any doubt, this Order amends section 214(2) of the 2007 Act to provide that a warrant of ejection obtained in connection with an order for termination of a joint tenant's interest is a decree for removing from heritable property.

Impact Assessments

A range of impact assessments were carried out for the Domestic Abuse (Protection) (Scotland) Bill 2020 including an Equality Impact Assessment and a Child Rights and Wellbeing Impact Assessment. The impacts as set out in these assessments remain relevant and we are not publishing updated assessments, other than for Child Rights and Wellbeing Impact Assessment at this time.

Financial Effects

The Cabinet Secretary for Housing confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Better Homes Directorate

9 December 2025