
Changes to legislation: There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Paragraph 17. (See end of Document for details)

SCHEDULE 3 MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

ACTS

Debtors (Scotland) Act 1987 (c.18)

- 17 (1) The Debtors (Scotland) Act 1987 is amended in accordance with this paragraph.
- (2) In section 2(1)(b) (effect of time to pay direction on diligence), for sub-paragraph (ii) there is substituted—
“(ii) an attachment;”.
- (3) In section 8(1) (effect of interim time to pay order on diligence), for paragraph (a) there is substituted—
“(a) to auction any articles which have been attached;”.
- (4) In section 9 (effect of time to pay order on diligence)—
- (a) in subsection (1)(b), for sub-paragraph (ii) there is substituted—
“(ii) an attachment;”;
 - (b) in subsection (2)(d), for “a pouncing” there is substituted “an attachment”;
 - (c) in subsection (3)—
 - (i) for “a pouncing” there is substituted “an attachment”; and
 - (ii) for “the pouncing” there is substituted “the attachment”;
 - (d) in subsection (4), for the words from “a pouncing” to the end there is substituted “an attachment, making a report of attachment under section 17 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) or applying for an order under section 20(1) of that Act.”;
 - (e) in subsection (8)(a)—
 - (i) for “21(1)(b) of this Act” there is substituted “20(1) or 22(3) of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)”; and
 - (ii) for “pounded” there is substituted “attached”;
 - (f) in subsection (9)—
 - (i) for “27 of this Act” there is substituted “24 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)”; and
 - (ii) for “a pouncing” there is substituted “an attachment”; and
 - (g) in subsection (12)—
 - (i) for “25 of this Act” there is substituted “25 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)”; and
 - (ii) for “a pouncing” there is substituted “an attachment”; and
 - (iii) for “another pouncing” there is substituted “another attachment”.
- (5) In section 10 (variation and recall of time to pay orders)—
- (a) in subsection (1)(b)—
 - (i) for “a pouncing” there is substituted “an attachment”; and
 - (ii) for “the pouncing” there is substituted “the attachment”; and

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- (b) in subsection (2) for “a poinding” there is substituted “ an attachment ”.
- (6) In section 13(2) (saving of creditor’s rights and remedies on recall of poinding or arrestment)—
- (a) in subsection (b), for “a poinding” there is substituted “ an attachment ”; and
 - (b) in the full-out words at the end, for “poinding” there is substituted “ attachment ”.
- (7) In section 15(1), the definition of “poinding” is repealed.
- (8) In section 70(1)(b) (which stipulates the dates on which an earnings arrestment schedule, current maintenance arrestment schedule or conjoined arrestment order may not be served), for “17(1) of this Act” there is substituted “ 12(1) of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) ”.
- (9) In paragraph (a) of section 87(2) (effect of warrant for diligence in extract decree), for “poinding”, in both places where it occurs, there is substituted “ attachment ”.
- (10) In section 90 (which provides, among other matters, that poindings are not competent unless a charge for payment has not been met), for “a poinding”, wherever it occurs, there is substituted “ an attachment ”.
- (11) In section 93 (which provides for the recovery of expenses of certain diligences)—
- (a) paragraph (a) of subsection (1); and
 - (b) subsection (3),
- are repealed.
- (12) In section 94 (which provides for the prescription of sums recovered by diligence)—
- (a) paragraph (a) of subsection (1); and
 - (b) the word “poinding,” in subsection (2)(b),
- are repealed.
- (13) In section 95(1) (termination of certain diligences on payment or tender of full amount owing), paragraph (a) is repealed.
- (14) Section 99(which applies certain provisions of the 1987 Act to sequestration for rent and arrestment) is repealed.
- (15) In section 103 (appeals)—
- (a) in subsection (1), the words “21(1), 27(4), 43(5)” and “and paragraphs 6(1), 11(4) and 14(5) of Schedule 5 thereto”; and
 - (b) in subsection (7), paragraphs (a) to (j) and (q),
- are repealed.
- (16) In section 104 (regulations)—
- (a) in subsection (1), the words “except as provided in subsection (2) below”; and
 - (b) subsection (2),
- are repealed.
- (17) In section 106(interpretation), the definition of “warrant of sale” is repealed.
- (18) In Schedule 7 (transitional provisions), paragraphs 4, 7(1)(a) and 9(4)(a) are repealed.

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