

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2008 No. 115**

**The Bankruptcy and Diligence etc. (Scotland) Act 2007  
(Commencement No. 3, Savings and Transitionals) Order 2008**

**Diligence against earnings – transitional restriction on liability of employer**

**13.**—(1) Where a pay-day occurs within a period of 7 days after 1st April 2008 an employer operating an earnings arrestment, current maintenance arrestment or conjoined arrestment order is entitled, but not required, on that day to give effect to sections 199, 200 and 205 of the Act.

(2) Where, in accordance with paragraph (1), the employer on a pay-day (“the previous pay-day”) does not give effect to those sections, the employer must not include in any sum deducted from the net earnings of the debtor on a subsequent pay-day under the arrestment or order any sum in respect of the debtor’s net earnings on the previous pay-day.

(3) Section 69(4) and (5) of the 1987 Act applies to a claim in respect of any deduction under paragraphs (1) and (2) as they apply to any deduction mentioned in those subsections.