
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make changes to certain figures relating to diligence against earnings in Part III of the Debtors (Scotland) Act 1987 (“the Act”).

Regulation 2(a) increases the figure in sections 53(2)(b) and 63(4)(b) of the Act, used to determine the sum to be deducted from earnings subject to a current maintenance arrestment or conjoined arrestment order, from £16.24 to £17.42.

Regulation 2(b) substitutes new Tables A, B and C for those in schedule 2 of the Act which describe the deductions to be made from earnings subject to an earnings arrestment.

The increases have been calculated by reference to the change in earnings since the figures were last updated in 2015.

In accordance with sections 49(8), 53(4) and (5), 63(7) and (8) and 69(1) and (2) of the Act, these Regulations do not apply to existing diligences until the Regulations are intimated to employers, unless employers choose to apply them. If they do not choose to do so the figures substituted by previous regulations will continue to apply until intimation takes place.

The increase to the lower monthly threshold will also raise the minimum balance in debtors’ bank accounts protected from arrestment by section 73F of the Act, introduced by the Bankruptcy and Diligence etc. (Scotland) Act 2007 ([asp 3](#)), from £494.01 to £529.90.

A business and regulatory impact assessment was prepared in respect of the Regulations, copies of which can be obtained from the Accountant in Bankruptcy, 1 Pennyburn Road, Kilwinning.