



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART I

EXTENSION OF TIME TO PAY DEBTS

Time to pay orders following charge or diligence

10 Variation and recall of time to pay order and arrestment.

- (1) The sheriff [^{F1}or the First-tier Tribunal] may, on an application by the debtor or the creditor—
 - (a) vary or recall a time to pay order if [^{F2}the sheriff or the Tribunal] is satisfied that it is reasonable [^{F3}in all the circumstances] to do so; or
 - (b) if [^{F4}an interim attachment,][^{F5}an attachment] or an arrestment in respect of the debt is in effect, recall [^{F6}the attachment] or recall or restrict the arrestment.
- (2) If [^{F7}an interim attachment,][^{F8}an attachment] or an arrestment in respect of the debt is in effect, the sheriff [^{F9}or the First-tier Tribunal] may order that any variation, recall or restriction under subsection (1) above shall be subject to the fulfilment by the debtor of such conditions as the sheriff [^{F9}or the First-tier Tribunal] thinks fit.
- (3) The sheriff clerk [^{F10}or, in relation to time to pay directions made by the First-tier Tribunal, a member of administration staff of the First-tier Tribunal] shall as soon as is reasonably practicable intimate a variation under subsection (1) above to the debtor and to the creditor, and the variation shall come into effect on the date of such intimation.
- (4) Where, after a time to pay order has been made, it comes to the knowledge of the sheriff [^{F11}or the First-tier Tribunal] that the debt to which the order applies is being enforced by any of the diligences mentioned in section 9(1)(b) of this Act which was in effect when the time to pay order was made, the sheriff [^{F11}or the First-tier Tribunal], after giving all interested parties an opportunity to be heard, may make—
 - (a) an order recalling the time to pay order; or

Changes to legislation: *Debtors (Scotland) Act 1987, Section 10 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) any of the orders mentioned in subsection (2) or (4) of section 9 of this Act; and that section shall, subject to any necessary modifications, apply for the purposes of an order made under this paragraph as it applies for the purposes of an order made under either of those subsections.

Textual Amendments

- F1** Words in s. 10(1) inserted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(10)(a)**
- F2** Words in s. 10(1)(a) substituted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(10)(b)**
- F3** Words in s. 10(1)(a) inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), **sch. 5 para. 16(9)(a)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)
- F4** Words in s. 10(1)(b) inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), **sch. 5 para. 16(9)(b)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)
- F5** Words in s. 10(1)(b) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, **Sch. 3 Pt. 1 para. 17(5)(a)(i)** (with s. 63)
- F6** Words in s. 10(1)(b) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, **Sch. 3 Pt. 1 para. 17(5)(a)(ii)** (with s. 63)
- F7** Words in s. 10(2) inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), **sch. 5 para. 16(9)(c)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)
- F8** Words in s. 10(2) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, **Sch. 3 Pt. 1 para. 17(5)(b)** (with s. 63)
- F9** Words in s. 10(2) inserted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(10)(a)**
- F10** Words in s. 10(3) inserted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(10)(c)**
- F11** Words in s. 10(4) inserted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(10)(a)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1)(d)(e) substituted for s. 8(1)(d) by [2007 asp 3 Sch. 5 para. 16\(7\)\(a\)\(v\)](#)