



Abolition of Poindings and Warrant Sales Act 2001

2001 asp 1

1 Abolition of poindings and warrant sales

- (1) It shall no longer be competent to enforce payment of a debt by poinding or warrant sale; and any enactment or rule of law allowing such enforcement shall cease to have effect.
- (2) The following provisions of the Debtors (Scotland) Act 1987 (c. 18) shall cease to have effect—
 - (a) Part II;
 - (b) section 74(2);
 - (c) Schedule 1;
 - (d) Schedule 5; and
 - (e) the other provisions of that Act listed in Part 1 of the schedule to this Act.
- (3) In this section—

“debt” means any sum due by a debtor, including any sum due under a summary warrant, decree or other document (including any interest thereon and any expenses), any sum due by way of a fine or penalty or under an order of court in criminal proceedings and any other sum which, immediately prior to the coming into force of this section, was recoverable by poinding and warrant sale;

“debtor” includes any person or body of persons corporate or unincorporate;

“summary warrant” includes a summary warrant granted under or by virtue of any enactment;

“decree or other document” includes—

 - (a) a decree, order or warrant of the Court of Session or the sheriff;
 - (b) an extract of a document which is registered for execution in the Books of Council and Session or the sheriff court books;
 - (c) an order or determination which by virtue of any enactment is enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff;
 - (d) a civil judgment granted outside Scotland by a court, tribunal or arbiter which by any enactment or rule of law is enforceable in Scotland; and

Status: This is the original version (as it was originally enacted).

- (e) a document or settlement which by virtue of an Order in Council made under section 13 of the Civil Jurisdiction and Judgments Act 1982 (c. 27) is enforceable in Scotland;
- “poinding” includes poinding of the ground;
- “warrant sale” includes a sale in pursuance of a summary warrant.

2 Savings

- (1) Despite section 1 of this Act, the following enactments shall continue to have effect as they had effect immediately prior to the coming into force of that section—
 - (a) section 33(1)(a) of the Bankruptcy (Scotland) Act 1985 (c. 66) (property exempted from poinding not to vest in permanent trustee on sequestration);
 - (b) section 99 of the Debtors (Scotland) Act 1987 (c. 18) (which applies certain provisions of Part II of that Act in relation to sequestration for rent or feuduty and certain arrestments), except so far as it applies section 16(3) of that Act.
- (2) Despite section 1(2) of this Act, the provisions of the Debtors (Scotland) Act 1987 (c. 18) mentioned in that section shall continue to have effect in relation to a debt in respect of which a warrant sale has been completed before the date on which that section comes into force.

3 Repeals

- (1) The enactments listed in Part 2 of the schedule are repealed to the extent specified in the second column.
- (2) The enactments listed in Part 3 of the schedule are revoked to the extent specified in the second column.

4 Commencement and short title

- (1) Sections 1, 2 and 3 and the schedule shall come into force on 31st December 2002 or such earlier date as the Scottish Ministers may, by order made by statutory instrument, appoint.
- (2) This Act may be cited as the Abolition of Poindings and Warrant Sales Act 2001.