



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 6

DILIGENCE ON THE DEPENDENCE

170 Prescription of arrestment

After section 95 of the 1987 Act, insert—

“95A Prescription of arrestment

- (1) Subject to subsection (2) below, an arrestment which is not insisted in prescribes—
 - (a) where it is on the dependence of an action, at the end of the period of 3 years beginning with the day on which a final interlocutor is obtained by the creditor for payment of all or part of a principal sum concluded for; or
 - (b) where it is in execution of an extract decree or other extract registered document relating to a due debt, at the end of the period of 3 years beginning with the day on which the arrestment is executed.
- (2) Where the arrestment secures or enforces a future or contingent debt due to the creditor, it prescribes, if not insisted in, at the end of the period of 3 years beginning on the day on which the debt becomes due.
- (3) In a case where—
 - (a) a time to pay direction;
 - (b) an interim order under section 6(3) of this Act; or
 - (c) a time to pay order,

has been made, there shall be disregarded, in computing the period at the end of which the arrestment prescribes, the period during which the time to pay direction, interim order or time to pay order is in effect.

Status: This is the original version (as it was originally enacted).

- (4) Nothing in this section shall apply to an earnings arrestment, a current maintenance arrestment or a conjoined arrestment order.
- (5) Subsections (1) to (3) above apply irrespective of whether the arrestment is executed, or warrant for it obtained, before this section comes into force.
- (6) For the purposes of subsection (1)(a) above, a final interlocutor is obtained when an interlocutor cannot be recalled or altered and is not subject to review.”.