



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 12

SUMMARY WARRANTS, TIME TO PAY AND CHARGES TO PAY

209 Summary warrants, time to pay and charges to pay

- (1) Section 10(4) of the 2002 Act (no charge required for attachment in pursuance of summary warrant) is repealed.
- (2) In section 1 of the 1987 Act (time to pay direction)—
 - (a) subsection (5)(e) (certain debts in relation to which a time to pay direction cannot be granted); and
 - (b) subsection (9) (interpretation),are repealed.
- (3) In section 5 of the 1987 Act (time to pay order)—
 - (a) subsection (4)(c) and (e) (certain debts in relation to which a time to pay order cannot be granted); and
 - (b) subsection (9) (interpretation),are repealed.
- (4) In section 15(3) of the 1987 Act (interpretation)—
 - (a) in the definition of “decree or document of debt”, after paragraph (a) insert—

“(aa) a summary warrant;”; and
 - (b) the words “or a summary warrant” are repealed.
- (5) In section 90 of the 1987 Act (provisions relating to charges)—
 - (a) in subsection (1), the words “Subject to subsection (2) below,” and “an attachment or” are repealed;
 - (b) after subsection (1) insert—

Status: *This is the original version (as it was originally enacted).*

“(1A) The following subsections of this section apply to any case where it is competent to execute diligence only if a charge for payment has been served on the debtor.”;

- (c) subsection (2) (no charge required for attachment or earnings arrestment in pursuance of summary warrant) is repealed;
- (d) in subsection (5), for “an attachment or an earnings arrestment” substitute “diligence”; and
- (e) in subsection (6), for “an attachment or an earnings arrestment” substitute “diligence”.