
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 116

ENFORCEMENT

**The Diligence against Earnings
(Variation) (Scotland) Regulations 2006**

<i>Made</i>	- - - -	<i>7th March 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th March 2006</i>
<i>Coming into force</i>	- -	<i>5th April 2006</i>

The Scottish Ministers, in exercise of the powers conferred by sections 49(7)(a), 53(3), 63(6) and 71 of the Debtors (Scotland) Act 1987⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Diligence against Earnings (Variation) (Scotland) Regulations 2006 and shall come into force on 5th April 2006.

(2) In these Regulations, “the Act” means the Debtors (Scotland) Act 1987.

Rate of deductions in diligence against earnings

2. In the Act—

- (a) in each of sections 53(2)(b) and 63(4)(b) (which make provision as respects the sum to be deducted from earnings by an employer in certain cases), for “£10”⁽²⁾ substitute “£12”;
- (b) for Tables A, B and C of Schedule 2⁽³⁾ (which set out the deductions to be made under earnings arrestments), substitute respectively Tables A, B and C set out in the Schedule to these Regulations.

Employer’s fee for operating diligence against earnings

3. For the purpose of section 71 of the Act (employer’s fee for operating diligence against earnings), the sum prescribed is £1.

(1) 1987 c. 18. The functions of the Lord Advocate were transferred to the Secretary of State (by virtue of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I.1999/678)), and to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) This sum was most recently substituted by S.S.I. 2001/408.

(3) Tables A, B and C were most recently substituted by S.S.I. 2001/408.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
7th March 2006

HUGH HENRY
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2(b)

TABLE A:

DEDUCTIONS FROM WEEKLY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £85	Nil
Exceeding £85 but not exceeding £125	£4
Exceeding £125 but not exceeding £135	£6
Exceeding £135 but not exceeding £145	£9
Exceeding £145 but not exceeding £160	£13
Exceeding £160 but not exceeding £175	£15
Exceeding £175 but not exceeding £190	£19
Exceeding £190 but not exceeding £210	£22
Exceeding £210 but not exceeding £230	£25
Exceeding £230 but not exceeding £250	£28
Exceeding £250 but not exceeding £265	£32
Exceeding £265 but not exceeding £285	£34
Exceeding £285 but not exceeding £300	£38
Exceeding £300 but not exceeding £320	£41
Exceeding £320 but not exceeding £340	£47
Exceeding £340 but not exceeding £365	£54
Exceeding £365 but not exceeding £395	£60
Exceeding £395 but not exceeding £425	£66
Exceeding £425 but not exceeding £455	£73
Exceeding £455 but not exceeding £485	£82
Exceeding £485 but not exceeding £520	£92
Exceeding £520 but not exceeding £555	£101
Exceeding £555 but not exceeding £590	£110
Exceeding £590 but not exceeding £630	£120
Exceeding £630 but not exceeding £675	£145
Exceeding £675 but not exceeding £730	£170
Exceeding £730 but not exceeding £795	£199
Exceeding £795 but not exceeding £870	£230
Exceeding £870 but not exceeding £945	£262
Exceeding £945	£262 in respect of the first £945 plus 50 per cent of the remainder

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TABLE B:

DEDUCTIONS FROM MONTHLY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £370	Nil
Exceeding £370 but not exceeding £490	£15
Exceeding £490 but not exceeding £550	£25
Exceeding £550 but not exceeding £610	£34
Exceeding £610 but not exceeding £670	£45
Exceeding £670 but not exceeding £730	£56
Exceeding £730 but not exceeding £800	£69
Exceeding £800 but not exceeding £870	£82
Exceeding £870 but not exceeding £940	£94
Exceeding £940 but not exceeding £1,010	£107
Exceeding £1,010 but not exceeding £1,090	£120
Exceeding £1,090 but not exceeding £1,170	£133
Exceeding £1,170 but not exceeding £1,250	£145
Exceeding £1,250 but not exceeding £1,340	£157
Exceeding £1,340 but not exceeding £1,440	£182
Exceeding £1,440 but not exceeding £1,550	£208
Exceeding £1,550 but not exceeding £1,660	£233
Exceeding £1,660 but not exceeding £1,780	£259
Exceeding £1,780 but not exceeding £1,910	£283
Exceeding £1,910 but not exceeding £2,040	£309
Exceeding £2,040 but not exceeding £2,180	£343
Exceeding £2,180 but not exceeding £2,330	£381
Exceeding £2,330 but not exceeding £2,490	£419
Exceeding £2,490 but not exceeding £2,680	£457
Exceeding £2,680 but not exceeding £2,900	£568
Exceeding £2,900 but not exceeding £3,150	£693
Exceeding £3,150 but not exceeding £3,450	£823
Exceeding £3,450 but not exceeding £3,800	£982
Exceeding £3,800 but not exceeding £4,100	£1,140
Exceeding £4,100	£1,140 in respect of the first £4,100 plus 50 per cent of the remainder

TABLE C:

DEDUCTIONS BASED ON DAILY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £12	Nil
Exceeding £12 but not exceeding £16	£0.50
Exceeding £16 but not exceeding £19	£0.90
Exceeding £19 but not exceeding £22	£1.40
Exceeding £22 but not exceeding £25	£1.90
Exceeding £25 but not exceeding £28	£3.10
Exceeding £28 but not exceeding £31	£3.70
Exceeding £31 but not exceeding £35	£4.30
Exceeding £35 but not exceeding £39	£4.90
Exceeding £39 but not exceeding £43	£5.50
Exceeding £43 but not exceeding £47	£6.10
Exceeding £47 but not exceeding £52	£7.40
Exceeding £52 but not exceeding £57	£8.30
Exceeding £57 but not exceeding £62	£9.90
Exceeding £62 but not exceeding £68	£11.50
Exceeding £68 but not exceeding £75	£13.50
Exceeding £75 but not exceeding £82	£15.90
Exceeding £82 but not exceeding £90	£18.80
Exceeding £90 but not exceeding £100	£21.70
Exceeding £100 but not exceeding £110	£26.40
Exceeding £110 but not exceeding £121	£31.10
Exceeding £121 but not exceeding £133	£35.80
Exceeding £133	£35.80 in respect of the first £133 plus 50 per cent of the remainder

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 and 3 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 set out in sections 53(2)(b) and 63(4)(b) of the Act, used in the calculation of deductions from a person’s pay when that pay is subject to a current maintenance arrestment or conjoined arrestment order, from £10 to £12.

Regulation 2(b) substitutes new Tables A, B and C for those in Schedule 2 to the Act which set out the deductions to be made from a person’s pay when that pay is subject to an earnings arrestment.

These new figures reflect the increase in the Average Earnings Index since the figures were last amended in 2001 by the Diligence against Earnings (Variation) (Scotland) Regulations 2001(4).

Regulation 3 increases the fee set out in section 71 of the Act, which an employer may charge the debtor for operating diligence against earnings, from 50 pence to £1.

(4) S.S.I. 2001/408.