
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 104

**The Enforcement of Fines (Diligence)
(Scotland) Regulations 2008**

Arrestment of earnings

2. Where an FEO executes an arrestment of earnings, the application of the provisions of the following enactments shall be modified—

- (a) section 7(1)(a) of the Sheriff Courts (Scotland) Extracts Act 1892⁽¹⁾ (import of the warrant for execution) to dispense with the requirement for service of a charge for payment; and
- (b) the Debtors (Scotland) Act 1987—
 - (i) section 50(3) (review of earnings arrestment) to allow an FEO to make an application to the sheriff seeking a determination of any dispute as to the operation of such an arrestment of earnings;
 - (ii) section 57(4) (creditor’s duty when arrestment ceases to have effect) to extend the duty on creditors to inform the offender’s employer when such an arrestment of earnings ceases to have effect to FEOs;
 - (iii) section 65(1)(b) (operation of conjoined arrestment order) to allow an FEO who executed an arrestment of earnings which is being enforced by a conjoined arrestment order to make an application to the sheriff seeking the determination of any dispute as to the operation of the conjoined arrestment order;
 - (iv) section 66(2)(b) and (6) (recall and variation of conjoined arrestment order) to allow an FEO who executed an arrestment of earnings which is being enforced by a conjoined arrestment order to make an application to the sheriff seeking the recall or variation of the order;
 - (v) section 70C⁽²⁾ (creditor’s duty to provide information) to extend the duty on creditors to provide information to FEOs;
 - (vi) section 90(1) (provisions relating to charges for payment) shall have no application; and
 - (vii) section 106 (interpretation) to extend the meaning of “officer of court” for the purposes of section 70 to FEOs.

⁽¹⁾ 1892 c. 17 (55 & 56 Vict.). Section 7 was relevantly amended by the Debtors (Scotland) Act 1987 c. 18, section 87(3).
⁽²⁾ Section 70C of the Debtors (Scotland) Act 1987 was inserted by section 203 of the [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#).