

## SCHEDULE

### CONSEQUENTIAL AMENDMENTS

#### **The Debtors (Scotland) Act 1987**

- 1.—(1) The Debtors (Scotland) Act 1987(1) is amended as follows.
- (2) In section 54 (current maintenance arrestment to be preceded by default)—
- (a) in subsection (1)(a)(ii), for “or (h)” substitute “, (h) or (k)”; and
  - (b) in subsection (2)(a), for “or (ga)” substitute “, (ga) or (k)”.
- (3) In section 55 (review and termination of current maintenance arrestment), in subsection (9), for “or (ga)” substitute “, (ga) or (k)”.
- (4) In section 66 (recall and variation of conjoined arrestment order), in subsection (5), for “or (ga)” substitute “, (ga) or (k)”.
- (5) In section 73 (interpretation of Part 3), in subsection (1), in the definition of “decree or other document”—
- (a) at the end of paragraph (d), omit “or”; and
  - (b) after paragraph (e) insert—
    - “(f) a court settlement or authentic instrument (within the meaning of Article 2 of the Maintenance Regulation) which is—
      - (i) registered in the sheriff court under the 2011 Regulations; or
      - (ii) otherwise enforceable in Scotland by virtue of the Maintenance Regulation and the 2011 Regulations; or
    - (g) a maintenance arrangement (within the meaning of Article 3(e) of the Hague Convention) which is registered in the sheriff court under the Hague Convention.”.
- (6) In section 73A (arrestment and action of furthcoming to proceed only on decree or document of debt), in subsection (4)—
- (a) in the definition of “decree”, omit paragraph (da); and
  - (b) in the definition of “document of debt”—
    - (i) at the end of paragraph (a), omit “or”;
    - (ii) after paragraph (b) insert—
      - “(c) a court settlement or authentic instrument (within the meaning of Article 2 of the Maintenance Regulation) which is—
        - (i) registered in the sheriff court under the 2011 Regulations; or
        - (ii) otherwise enforceable in Scotland by virtue of the Maintenance Regulation and the 2011 Regulations; or
      - (d) a maintenance arrangement (within the meaning of Article 3(e) of the Hague Convention) which is registered in the sheriff court under the Hague Convention.”; and
    - (iii) for “being a document or settlement”, substitute “being a document, settlement, instrument or arrangement”.
- (7) In section 106 (interpretation)—

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(1) 1987 c.18.

**Status:** This is the original version (as it was originally made).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

- (a) before the definition of “current maintenance”, insert—
  - ““the 2011 Regulations” means the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484);”;
- (b) after the definition of “enactment”, insert—
  - ““the Hague Convention” means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007;”;
- (c) in the definition of “maintenance order”—
  - (i) in paragraph (aa) for “Civil Jurisdiction and Judgments (Maintenance) Regulations 2011” substitute “2011 Regulations”;
  - (ii) in paragraph (ga) for “Civil Jurisdiction and Judgments (Maintenance) Regulations 2011” substitute “2011 Regulations”;
  - (iii) at the end of paragraph (h), omit “or”; and
  - (iv) after paragraph (j) insert—
    - “; or
    - (k) a maintenance decision (within the meaning of regulation 2 of the International Recovery of Maintenance (Hague Convention 2007) (Scotland) Regulations 2012 (S.S.I. 2012/301) or maintenance arrangement (within the meaning of Article 3(e) of the Hague Convention) which is registered in the sheriff court under the Hague Convention.”.