



Debtors (Scotland) Act 1987

1987 CHAPTER 18

^{F1}[^{F1}PART 1A

DILIGENCE ON THE DEPENDENCE

^{F1}*Availability of diligence on the dependence*

Textual Amendments

- F1** Pt. 1A inserted (1.4.2008 except for the insertion of s. 15H(4), 22.4.2009 in so far as not already in force) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 169, 227(3)** (with s. 223); [S.S.I. 2008/115](#), art. 3(1)(b)(i) (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3); [S.S.I. 2009/67](#), art. 3(1)(c) (with arts. 4-6) (as amended (31.1.2011) by [S.S.I. 2011/31](#), art. 5(b))

15A Diligence on the dependence of action

- (1) Subject to subsection (2) below and to sections 15C to 15F of this Act, the Court of Session or the sheriff may grant warrant for diligence by—
- (a) arrestment; or
 - (b) inhibition,
- on the dependence of an action.
- (2) Warrant for—
- (a) arrestment on the dependence of an action is competent only where the action contains a conclusion for payment of a sum other than by way of expenses; and
 - (b) inhibition on the dependence is competent only where the action contains—
 - (i) such a conclusion; or
 - (ii) a conclusion for specific implement of an obligation to convey heritable property to the creditor or to grant in the creditor's favour a real right in security, or some other right, over such property.

Changes to legislation: Debtors (Scotland) Act 1987, Cross Heading: Availability of diligence on the dependence is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) In this Part of this Act, “action” includes, in the sheriff court—
- (a) a summary cause;
 - [^{F2}(b) a simple procedure case (within the meaning of section 72(9) of the Courts Reform (Scotland) Act 2014); and]
 - (c) a summary application,
- and references to “summons”, “conclusion” and to cognate expressions shall be construed accordingly.

Textual Amendments

F2 S. 15A(3)(b) substituted (28.11.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Relevant Officer and Consequential Provisions\) Order 2016 \(S.S.I. 2016/387\)](#), art. 1, [sch. 1 para. 2\(2\)](#) (with art. 4(1))

15B Diligence on the dependence of petition

- (1) Subject to subsection (2) below and to sections 15C to 15F of this Act, the Court of Session may grant warrant for diligence by—
- (a) arrestment; or
 - (b) inhibition,
- on the dependence of a petition.
- (2) Warrant for—
- (a) arrestment on the dependence of a petition is competent only where the petition contains a prayer for payment of a sum other than by way of expenses; and
 - (b) inhibition on the dependence is competent only where the petition contains—
 - (i) such a prayer; or
 - (ii) a prayer for specific implement of an obligation to convey heritable property to the creditor or to grant in the creditor's favour a real right in security, or some other right, over such property.
- (3) The provisions of this Act (other than section 15A), of any other enactment and of any rule of law relating to diligence on the dependence of actions shall, in so far as is practicable and unless the contrary intention appears, apply to petitions in relation to which it is competent to grant warrant for such diligence and to the parties to them as they apply to actions and to parties to them.

15C Diligence on the dependence to secure future or contingent debts

- (1) It shall be competent for the court to grant warrant for diligence on the dependence where the sum concluded for is a future or contingent debt.
- (2) In this section and in sections 15D to 15M of this Act, the “court” means the court before which the action is depending.]

Changes to legislation:

Debtors (Scotland) Act 1987, Cross Heading: Availability of diligence on the dependence is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1)(d)(e) substituted for s. 8(1)(d) by [2007 asp 3 Sch. 5 para. 16\(7\)\(a\)\(v\)](#)