
Changes to legislation: Debtors (Scotland) Act 1987, SCHEDULE 3 is up to date with all changes known to be in force on or before 20 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

SCHEDULES

SCHEDULE 3

Section 64.

DISBURSEMENTS BY SHERIFF CLERKS UNDER CONJOINED ARRESTMENT ORDER

- 1 Where all the debts are ordinary debts, in every disbursement by the sheriff clerk each creditor shall be paid the same proportion of the amount of his debt.
- 2 Where all the debts are current maintenance, then, in any such disbursement, if the sum available for disbursement is—
 - (a) sufficient to satisfy every creditor in respect of the amount of maintenance to be deducted in respect of his debt on that pay-day, each creditor shall be paid that amount;
 - (b) insufficient to satisfy every creditor in respect of the amount of maintenance specified in paragraph (a) above, each creditor shall be paid the same proportion of that amount.
- 3 Subject to paragraph 4 below, where the debts comprise both ordinary debts and current maintenance, then, in any such disbursement—
 - (a) if only one of the debts is an ordinary debt, the creditor in that debt shall be paid the sum which would be payable to him if the debt were being enforced by an earnings arrestment;
 - (b) if more than one of the debts is an ordinary debt, each of the creditors in those debts, out of the sum which would be payable to a creditor if the debt were a single debt being enforced by an earnings arrestment, shall be paid the same proportion of the amount of his debt;
 - (c) if only one of the debts is current maintenance, the creditor in that debt shall be paid the sum which would be payable to him under section 51 of this Act if the debt were being enforced by a current maintenance arrestment;
 - (d) if more than one of the debts is current maintenance, each of the creditors in those debts shall receive a payment in accordance with paragraph 2 of this Schedule.
- 4 If the sum available for any disbursement is insufficient to enable the provisions of paragraph 3 above to operate both in relation to the ordinary debts and the current maintenance, [^{F1}disbursement shall be in accordance with paragraph 4A below.]

Textual Amendments

- F1** Words in Sch. 3 para. 4 substituted (1.4.2008) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), ss. 199(3)(a), 227(3) (with s. 223); S.S.I. 2008/115, art. 3(1)(d) (with arts. 4-6, 10, 13, 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)

[^{F2}4A Where—

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- (a) only one of the debts is an ordinary debt, the creditor in that debt shall be paid the sum equal to—

$$D \times \frac{E}{S}$$

- ;
- (b) more than one of the debts is an ordinary debt, each of the creditors in those debts, out of the sum mentioned in sub-paragraph (a) above, shall be paid the same proportion of the amount of that creditor's debt;
- (c) only one of the debts is current maintenance, the creditor in that debt shall be paid the sum equal to—

$$D \times \frac{C}{S}$$

- ;
- (d) more than one of the debts is current maintenance, each of the creditors in those debts, out of the sum mentioned in sub-paragraph (c) above, shall be paid the same proportion of the amount of that creditor's debt,

where—

D is the sum deducted under subsection (5) of section 63 of this Act;
 E is the sum deducted under paragraph (a) of that subsection;
 C is the sum which would, if the only debts were the current maintenance debts, be deducted under subsection (3) of that section;
 and
 S is the total of E and C.]

Textual Amendments

F2 Sch. 3 para. 4A inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), [ss. 199\(3\)\(b\)](#), [227\(3\)](#) (with s. 223); [S.S.I. 2008/115](#), art. 3(1)(d) (with arts. 4-6, 10, 13, 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)

5 For the purposes of this Schedule, the amount of an ordinary debt—

- (a) of a creditor whose debt was being enforced by an earnings arrestment which was recalled under section 60(3) of this Act, shall be the amount specified in the earnings arrestment schedule;
- (b) of any other creditor, shall be the amount specified in the conjoined arrestment order or the order under section 62(5) of this Act.

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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\(7\)\(a\)\(v\)](#)