



# Debtors (Scotland) Act 1987

## 1987 CHAPTER 18

### PART VII

#### MISCELLANEOUS AND GENERAL

#### 103 Appeals.

- (1) Subject to subsection (9) below and sections <sup>F1</sup> . . . , 50(2), 55(4), 60(8), 62(9) and 66(9) of this Act <sup>F1</sup> . . . , an appeal may be made against any decision of the sheriff under this Act but only on a question of law and with the leave of the sheriff; and section 38 of the <sup>M1</sup>Sheriff Courts (Scotland) Act 1971 (appeal in summary causes) [<sup>F2</sup>and section 82 of the Courts Reform (Scotland) Act 2014 (appeals from simple procedure cases)] shall not apply to any appeal or any further appeal taken under this Act.
- (2) Any appeal against a decision of the sheriff under subsection (1) above must be made within a period of 14 days from the date when leave to appeal against the decision was granted.
- (3) An appeal may be made against any decision of the Lord Ordinary on an application under section 1(1) or 3(1) of this Act but only on a question of law and with the leave of the Lord Ordinary.
- (4) Subject to subsections (6) and (7) below, any decision of the sheriff or of the Lord Ordinary under this Act shall take effect as soon as it is made and shall remain in effect unless and until it is reversed on appeal and either—
  - (a) the period allowed for further appeal has expired without an appeal being made; or
  - (b) if such a further appeal has been made, the matter has been finally determined in favour of the reversal of the sheriff's or Lord Ordinary's decision.
- (5) No decision reversing a decision of the sheriff or Lord Ordinary under this Act shall have retrospective effect.
- (6) A decision or order of the sheriff under any provision of this Act mentioned in subsection (7) below shall not take effect—

*Changes to legislation: Debtors (Scotland) Act 1987, Section 103 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*

- (a) until the period for leave to appeal specified in rules of court has expired without an application for leave having been made;
  - (b) where an application for leave to appeal is made, until leave has been refused or the application has been abandoned;
  - (c) where leave to appeal has been granted, until the period for an appeal has expired without an appeal being made; or
  - (d) where an appeal against the decision is made, until the matter has been finally determined or the appeal has been abandoned.
- (7) The provisions of this Act referred to in subsection (6) above are—
- (a) <sup>F3</sup> .....
  - (b) <sup>F3</sup> .....
  - (c) <sup>F3</sup> .....
  - (d) <sup>F4</sup> .....
  - (e) <sup>F4</sup> .....
  - (f) <sup>F4</sup> .....
  - (g) <sup>F5</sup> .....
  - (h) <sup>F5</sup> .....
  - (j) <sup>F5</sup> .....
  - (k) section 50(1) except in so far as it relates to orders declaring that an arrestment is invalid or has ceased to have effect;
  - (l) section 50(4);
  - (m) section 55(1) except in so far as it relates to orders declaring that an arrestment is invalid or has ceased to have effect;
  - (n) section 55(6);
  - (o) section 65(2);
  - (p) section 66(3);
  - (q) <sup>F6</sup> .....
- (8) A court to which an appeal under this Act or a further appeal is made may—
- (a) before it disposes of the appeal, make such interim order; and
  - (b) on determining the appeal, make such supplementary order, as it thinks necessary or reasonable in the circumstances.
- (9) This section does not apply to any decision of a court under Part V of this Act.

#### Textual Amendments

- F1** Words in s. 103(1) repealed (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp17), s. 61, {Sch. 3 Pt. 1 para. 17(15)(a)} (with s. 63)
- F2** Words in s. 103(1) inserted (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(3)** (with art. 4(1))
- F3** S. 103(7)(a)-(j) repealed (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp17), s. 61, {Sch. 3 Pt. 1 para. 17(15)(b)} (with s. 63)
- F4** S. 103(7)(a)-(j) repealed (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), s. 61, **Sch. 3 Pt. 1 para 17(15)(b)** (with s. 63)
- F5** S. 103(7)(a)-(j) repealed (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), s. 61, **Sch. 3 Pt. 1 para. 17(15)(b)** (with s. 63)
- F6** S. 103(7)(q) repealed (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), s. 61, **Sch. 3 Pt. 1 para. 17(5)(b)** (with s. 63)

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**Marginal Citations**

**M1** 1971 c. 58.

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