



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART VII

MISCELLANEOUS AND GENERAL

106 Interpretation.

In this Act—

^{F1}
...

“current maintenance” has the meaning given to it in section 73(1) of this Act;

[^{F2}“debt advice and information package” has the meaning given to it in section 47(4) of this Act;]

“earnings” has the meaning given to it in section 73(2) of this Act;

“employer” has the meaning given to it in section 73(1) of this Act;

[^{F3}“enactment” includes an Act of the Scottish Parliament and any enactment comprised in subordinate legislation under such an Act;]

[^{F4}“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;]

^{F5}
...

“maintenance” means periodical sums payable under a maintenance order;

“maintenance order” means—

- (a) an order granted by a court in Scotland for payment of a periodical allowance on divorce [^{F6}or on dissolution of a civil partnership] or on the granting of a declarator of nullity of marriage [^{F7}or of nullity of a civil partnership], or for aliment;

(aa) ^{F8}
...

- (b) an order under section 43 or 44 of the ^{M1}National Assistance Act 1948, section 23 or 24 of the ^{M2}Ministry of Social Security Act 1966, section 80 or 81 of the ^{M3}Social Work (Scotland) Act 1968, section 11(3) of the ^{M4}Guardianship Act 1973, section 18 or 19 of the ^{M5}Supplementary

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- Benefits Act 1976, section 50 or 51 of the ^{M6}Child Care Act 1980 or section 24 or 25 of the ^{M7}Social Security Act 1986;
- (c) an order of a court in England and Wales or Northern Ireland registered in Scotland under Part II of the ^{M8}Maintenance Orders Act 1950;
- (d) a provisional order of a reciprocating country which is confirmed by a court in Scotland under Part I of the ^{M9}Maintenance Orders (Reciprocal Enforcement) Act 1972;
- (e) an order of a reciprocating country which is registered in Scotland under that Part of that Act;
- (f) an order registered in Scotland under Part II, or under an Order in Council made in pursuance of Part III, of that Act;
- (g) an order registered in Scotland under section 5 of the ^{M10}Civil Jurisdiction and Judgments Act 1982; ^{F9} . . .
- (ga) ^{F10} ...
- (h) an alimentary bond or agreement (including a document providing for the maintenance of one party to a marriage by the other after the marriage has been dissolved or annulled)—
- (i) registered for execution in the Books of Council and Session or sheriff court books; or
- (ii) registered in Scotland under an Order in Council made under section 13 of the Civil Jurisdiction and Judgments Act 1982; ^{F11}^{F12} ...
- (j) a [^{F13}maintenance assessment][^{F13}maintenance calculation] within the meaning of the Child Support Act 1991][^{F14}; 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.]
- ^{F15} ...
- “net earnings” has the meaning given to it in section 73(1) of this Act;
- “officer of court” means a messenger-at-arms or a sheriff officer;
- “ordinary debt” has the meaning given to it in section 73(1) of this Act;
- [^{F16}“summary warrant” means a summary warrant granted under or, as the case may be, by virtue of—
- (a) paragraph 7 of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987;
- (b) paragraph 2 of Schedule 8 to the ^{M11}Local Government Finance Act 1992;
- (c) paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994; or
- (cc) ^{F17} ...
- (cca) [^{F18}paragraph 2 of schedule 4 to the Water Industry (Scotland) Act 2002 (asp 3);]
- (d) [^{F19}the enactments (other than the Taxes Management Act 1970)] mentioned in Schedule 4 to this Act;
- (e) [^{F20}section 128 of the Finance Act 2008.]]
- (f) [^{F21}section 225 of the Revenue Scotland and Tax Powers Act 2014 (asp 16).]

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F22

Textual Amendments

- F1** Words in s. 106 omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/519), reg. 1(1), **Sch. para. 16(7)(a)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 106 inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007](#) (asp 3), s. 227(3), **sch. 5 para. 16(14)(a)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (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)
- F3** Words in s. 106 inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007](#) (asp 3), s. 227(3), **sch. 5 para. 16(14)(b)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (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)
- F4** Words in s. 106 inserted (1.8.2014 as notified in the Edinburgh Gazette dated 27.6.2014 (Issue 27425)) by [The International Recovery of Maintenance \(Hague Convention 2007\) \(Scotland\) Regulations 2012](#) (S.S.I. 2012/301), reg. 1(b), **sch. para. 1(7)(b)**
- F5** S. 106 (definition of levying authority) repealed (1.4.1993) by [Local Government Finance Act 1992](#) (c. 14), s. 117, Sch. 13 para. 55(a), **Sch. 14**; S.I. 1993/575, **art. 2(c)**.
- F6** Words in s. 106 inserted (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(c), **Sch. 28 para. 53(a)**; S.S.I. 2005/604, arts. 2(c), 4
- F7** Words in s. 106 inserted (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(c), **Sch. 28 para. 53(b)**; S.S.I. 2005/604, arts. 2(c), 4
- F8** Words in s. 106 omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/519), reg. 1(1), **Sch. para. 16(7)(b)(i)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in s. 106 omitted (5.4.1993) by virtue of [Child Support Act 1991](#) (c. 48, SIF 20), s. 58(13), **Sch. 5 para. 8(7)(a)** (with s. 9(2)); S.I. 1992/2644, **art. 2**.
- F10** Words in s. 106 omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/519), reg. 1(1), **Sch. para. 16(7)(b)(ii)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in s. 106 omitted (1.8.2014 as notified in the Edinburgh Gazette dated 27.6.2014 (Issue 27425)) by virtue of [The International Recovery of Maintenance \(Hague Convention 2007\) \(Scotland\) Regulations 2012](#) (S.S.I. 2012/301), reg. 1(b), **sch. para. 1(7)(c)(iii)**
- F12** In s. 106, word and para. (j) in the definition of "maintenance order" inserted (5.4.1993) by [Child Support Act 1991](#) (c. 48, SIF 20), s. 58(13), **Sch. 5 para. 8(7)(b)** (with s. 9(2)); S.I. 1992/2644, **art. 2**.
- F13** Words in s. 106 substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000](#) (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 7(3)** (with s. 83(6)); S.I. 2003/192, art. 3, **Sch.**
- F14** Words in s. 106 inserted (1.8.2014 as notified in the Edinburgh Gazette dated 27.6.2014 (Issue 27425)) by [The International Recovery of Maintenance \(Hague Convention 2007\) \(Scotland\) Regulations 2012](#) (S.S.I. 2012/301), reg. 1(b), **sch. para. 1(7)(c)(iv)**
- F15** Words in s. 106 omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/519), reg. 1(1), **Sch. para. 16(7)(c)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Definition of "summary warrant" in s. 106 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 151(3)**; S.I. 1996/323, **art. 4(1)(c)**
- F17** Words in s. 106 omitted (23.11.2009) by virtue of [Finance Act 2008](#) (c. 9), s. 129(4), **Sch. 43 para. 13(3)(a)**; S.I. 2009/3024, art. 3 (with art. 5)
- F18** S. 106: in definition of "summary warrant" para. (cca) inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002](#) (asp 3), s. 71(2), **Sch. 7 para. 17(3)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

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- F19** Words in s. 106 substituted (23.11.2009) by Finance Act 2008 (c. 9), s. 129(4), **Sch. 43 para. 13(3)(b)**; S.I. 2009/3024, art. 3 (with art. 5)
- F20** Words in s. 106 inserted (23.11.2009) by Finance Act 2008 (c. 9), s. 129(4), **Sch. 43 para. 13(3)(c)**; S.I. 2009/3024, art. 3 (with art. 5)
- F21** Words in s. 106 inserted (1.4.2015) by Revenue Scotland and Tax Powers Act 2014 (asp 16), s. 260(2), **sch. 4 para. 1(4)** (with ss. 257-259); S.S.I. 2015/110, art. 2(1)
- F22** S. 106: definition of "warrant of sale" repealed (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), s. 61, **Sch. 3 Pt. 1 para. 17(17)**

Modifications etc. (not altering text)

- C1** S. 106 modified (1.4.2008) by The Enforcement of Fines (Diligence) (Scotland) Regulations 2008 (S.S.I. 2008/104), regs. 1(1), **2(b)(vii)**

Marginal Citations

- M1** 1948 c. 29.
M2 1966 c. 20.
M3 1968 c. 49.
M4 1973 c. 29.
M5 1976 c. 71.
M6 1980 c. 5.
M7 1986 c. 50.
M8 1950 c. 37.
M9 1972 c. 18.
M10 1982 c. 27.
M11 1992 c. 14.

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Changes and effects yet to be applied to :

- s. 106 words substituted by [2007 asp 3 Sch. 5 para. 16\(14\)\(c\)](#)

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