



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART I

EXTENSION OF TIME TO PAY DEBTS

Miscellaneous

15 Interpretation of Part I.

(1) In this Part of this Act—

[^{F1}“2007 Act” means the Bankruptcy and Diligence etc. (Scotland) Act 2007,]

“adjudication for debt” does not include—

(a) an adjudication on a debitum fundi; ^{F2}...

(b) ^{F2}.....

[^{F3}“the First-tier Tribunal” means the First-tier Tribunal for Scotland Housing and Property Chamber.]

^{F4}.....

(2) In sections 1 to 4 of this Act—

“the court” means the Court of Session or the sheriff;

“the debt concerned” means the sum or expenses in respect of which a time to pay direction is made.

[^{F5}“decree”, where the context requires or permits, includes an order made by the First-tier Tribunal.]

(3) In sections 5 to 14 of this Act—

“debt” means the sum due by a debtor under a decree or other document (including any interest thereon and any expenses decerned for), and any expenses of diligence used to recover such sum which are chargeable against the debtor, but does not include—

(a) any sum due under an order of court in criminal proceedings;

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- (b) maintenance, whether due at the date of application for the time to pay order or not, or any capital sum awarded on divorce or on the granting of a declarator of nullity of marriage or any other sum due under a decree awarding maintenance or such a capital sum; or
 - (c) any fine imposed—
 - (i) for contempt of court;
 - (ii) under any enactment, for professional misconduct; or
 - (iii) for failure to implement an order under section 91 of the ^{M1}Court of Session Act 1868 (orders for specific performance of statutory duty);
- “decree or other document” means—
- (a) a decree of the Court of Session or the sheriff;
 - (aa) [^{F6}a summary warrant;]
 - (b) an extract of a document which is registered for execution in the Books of Council and Session or the sheriff court books;
 - (c) an order or determination which by virtue of any enactment is enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff;
 - (d) a civil judgment granted outside Scotland by a court, tribunal or arbiter which by virtue of any enactment or rule of law is enforceable in Scotland; and
 - (e) a document or settlement which by virtue of an Order in Council made under section 13 of the ^{M2}Civil Jurisdiction and Judgments Act 1982 is enforceable in Scotland,

but does not include a maintenance order [^{F7}, a liability order within the meaning of the Child Support Act 1991]^{F8}...;

“sheriff”—

- (a) in relation to a debt constituted by decree granted by a sheriff, means that sheriff or another sheriff sitting in the same sheriff court;
- (b) in any other case, means the sheriff having jurisdiction—
 - (i) in the place where the debtor is domiciled;
 - (ii) if the debtor is not domiciled in Scotland, in a place in Scotland where he carries on business; or
 - (iii) if the debtor does not carry on business in Scotland, in a place where he has property which is not exempt from diligence;

and, for the purposes of sub-paragraphs (i) and (ii) above, the debtor’s domicile shall be determined in accordance with section 41 of the Civil Jurisdiction and Judgments Act 1982.

Textual Amendments

- F1** Words in s. 15(1) inserted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(11)(a)(i)**
- F2** Words in s. 15(1) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **Sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F3** Words in s. 15(1) inserted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(11)(a)(ii)**

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- F4** S. 15(1): definition of "pounding" repealed (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), s. 61, **Sch. 3 Pt. 1 para. 17(7)** (with s. 63)
- F5** Words in s. 15(2) inserted (6.3.2019) by The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51), regs. 1, **2(11)(b)**
- F6** Words in s. 15(3) inserted (1.4.2008) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), **ss. 209(4)(a), 227(3)** (with s. 223); S.S.I. 2008/115, art. 3(1)(g) (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)
- F7** Words in s. 15(3) inserted (5.4.1993) by Child Support Act 1991 (c. 48, SIF 20), s. 58(13), **Sch. 5 para. 8(3)** (with s. 9(2)); S.I. 1992/2644, **art. 2**.
- F8** Words in s. 15(3) repealed (1.4.2008) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), **ss. 209(4)(b), 227(3)** (with s. 223); S.S.I. 2008/115, art. 3(1)(g) (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)

Marginal Citations

- M1** 1868 c. 100.
M2 1982 c. 27.

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Changes and effects yet to be applied to :

- s. 15(1) repealed by [2007 asp 3 Sch. 6 Pt. 1](#)

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