



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART I

EXTENSION OF TIME TO PAY DEBTS

Time to pay orders following charge or diligence

6 Application for time to pay order.

- (1) An application for a time to pay order shall specify, to the best of the debtor's knowledge, the amount of the debt outstanding as at the date of the making of the application and shall include an offer to pay it—
 - (a) by specified instalments, payable at specified intervals; or
 - (b) as a lump sum at the end of a specified period.
- (2) The ^{F1}... duty under section 96(2)(b) of this Act [^{F2}on the sheriff clerk or, in relation to time to pay directions made by the First-tier Tribunal, a member of administration staff of the First-tier Tribunal] to assist the debtor in the completion of certain forms shall, in relation to a form of application for a time to pay order, consist of a duty to assist him in the completion of the form in accordance with proposals for payment made by the debtor.
- (3) On receipt of an application for a time to pay order, the sheriff [^{F3}or the First-tier Tribunal] shall, if the application is properly made and unless it appears ^{F4}...that the making of a time to pay order would not be competent, make an interim order sisting diligence as provided for in section 8(1) of this Act.
- (4) The sheriff may [^{F3}or the First-tier Tribunal], where the debtor is unable to furnish the necessary information, make an order requiring the creditor, within such period as may be specified therein, to furnish to the sheriff [^{F3}or the First-tier Tribunal] such particulars of the decree or other document under which the debt is payable as may be prescribed by Act of Sederunt [^{F5}or rules made under section 68 or paragraph 4 of schedule 9 of the Tribunals (Scotland) Act 2014].

Changes to legislation: Debtors (Scotland) Act 1987, Section 6 is up to date with all changes known to be in force on or before 22 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

- (5) If a creditor fails to comply with an order under subsection (4) above the sheriff [^{F3}or the First-tier Tribunal] may, after giving the creditor an opportunity to make representations, make an order recalling or extinguishing any existing diligence, and interdicting the creditor from executing diligence, for the recovery of the debt.
- (6) Where the sheriff [^{F6}or the First-tier Tribunal] makes an interim order under subsection (3) above, the sheriff clerk [^{F7}or, in relation to time to pay directions made by the First-tier Tribunal, a member of administration staff of the First-tier Tribunal] shall as soon as is reasonably practicable—
- (a) serve a copy of the application for the time to pay order on the creditor informing him that he may object to the granting of the application within a period of 14 days after the date of service;
 - [^{F8}(b) serve on—
 - (i) the creditor; and
 - (ii) where an arrestment such as is mentioned in section 73J(1) of this Act is in effect, the arrestee,
 a copy of the interim order; and
 - (c) serve on the creditor a copy of any order under subsection (4) above.]

Textual Amendments

- F1** Words in s. 6(2) omitted (6.3.2019) by virtue of The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51), regs. 1, **2(6)(a)(i)**
- F2** Words in s. 6(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(6)(a)(ii)**
- F3** Words in s. 6(3)-(5) 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(6)(c)**
- F4** Words in s. 6(3) omitted (6.3.2019) by virtue of The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51), regs. 1, **2(6)(b)**
- F5** Words in s. 6(4) 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(6)(d)**
- F6** Words in s. 6(6) 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(6)(e)(i)**
- F7** Words in s. 6(6) 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(6)(e)(ii)**
- F8** S. 6(6)(b)(c) substituted for s. 6(6)(b) and word (22.4.2009) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), s. 227(3), **sch. 5 para. 16(5)** (with s. 223); S.S.I. 2009/67, art. 3(2)(3), sch. 1 (with arts. 4-6) (as amended (31.1.2011) by S.S.I. 2011/31, art. 5(b))

Changes to legislation:

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