



# Debtors (Scotland) Act 1987

## 1987 CHAPTER 18

### PART I

#### EXTENSION OF TIME TO PAY DEBTS

##### *Time to pay orders following charge or diligence*

#### **7 Disposal of application.**

- (1) If no objection is made in pursuance of section 6(6)(a) of this Act, the sheriff <sup>[F1]</sup>or the First-tier Tribunal] shall make a time to pay order in accordance with the application.
- (2) If such an objection is made, the sheriff <sup>[F1]</sup>or the First-tier Tribunal] shall not dispose of the application without first—
  - (a) giving the debtor an opportunity to make representations; and
  - (b) if agreement is not reached as to whether a time to pay order should be made or as to its terms, giving the parties an opportunity to be heard.
- (3) Where the sheriff <sup>[F1]</sup>or the First-tier Tribunal] refuses to make a time to pay order, he shall recall any interim order under section 6(3) of this Act.
- (4) The sheriff clerk <sup>[F2]</sup>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) intimate the decision of the sheriff <sup>[F3]</sup>or the First-tier Tribunal] on an application for a time to pay order (including any recall of an interim order under subsection (3) above) to the debtor <sup>[F4]</sup>, the creditor and, where an arrestment such as is mentioned in section 73J(1) of this Act is in effect, the arrestee]; and
  - (b) if the sheriff <sup>[F5]</sup>or the First-tier Tribunal] has made a time to pay order, inform the creditor of the date when he intimated that fact to the debtor.

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*Changes to legislation: Debtors (Scotland) Act 1987, Section 7 is up to date with all changes known to be in force on or before 26 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*

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### **Textual Amendments**

- F1** Words in s. 7(1)-(3) 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(7)(a)**
- F2** Words in s. 7(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(7)(b)(i)**
- F3** Words in s. 7(4)(a) 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(7)(b)(ii)**
- F4** Words in s. 7(4)(a) substituted (22.4.2009) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), s. 227(3), **sch. 5 para. 16(6)** (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))
- F5** Words in s. 7(4)(b) 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(7)(b)(ii)**

**Changes to legislation:**

Debtors (Scotland) Act 1987, Section 7 is up to date with all changes known to be in force on or before 26 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.

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