



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART I

EXTENSION OF TIME TO PAY DEBTS

Time to pay orders following charge or diligence

8 Effect of interim order on diligence.

(1) While an interim order under section 6(3) of this Act is in effect it shall not be competent in respect of the debt—

[^{F1}(za) to attach in execution of the decree any articles which have been attached by interim attachment;]

[^{F2}(a) to [^{F3}give, in relation to any articles which have been attached, notice of an auction under section 27(4) of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)];]

[^{F4}(aa) to execute a money attachment;]

(b) to execute an earnings arrestment;

(c) [^{F5}subject to subsection (1A) below,] where an arrestment of property belonging to the debtor (other than an arrestment of earnings in the hands of his employer) has been executed before or after the making of the interim order, to commence an action of furthcoming or sale, or to grant decree in any such action which has already been commenced, in pursuance of that arrestment;

(d) to commence an action of adjudication for debt or, if such an action has already been commenced, to take any steps other than the registration of a notice of litigiousity in connection with the action, the obtaining and extracting of a decree in the action, the registration of an abbreviate of adjudication and the completion of title to property adjudged by the decree.

[^{F6}(1A) Where the arrestment mentioned in subsection (1)(c) above is an arrestment such as is mentioned in subsection (1) of section 73J of this Act, while the interim order is in effect—

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- (a) it shall not be competent to release funds under subsection (2) of that section; and
 - (b) the period during which the order is in effect shall be disregarded for the purposes of determining whether the period mentioned in subsection (3) of that section has expired.
- (1B) Where, before the interim order is made—
- (a) a notice of land attachment is registered, it shall not be competent to take any steps other than—
 - (i) serving, under subsection (5) of section 83 of the 2007 Act, a copy of that notice; and
 - (ii) registering, under subsection (6) of that section, a certificate of service; or
 - (b) a land attachment is created, it shall not be competent to make, under section 97(2) of the 2007 Act, an order granting a warrant for sale of the attached land.
- (1C) Where, before the interim order is made, a residual attachment order has been made, it shall not be competent—
- (a) to take any steps other than serving, under section 133(1) of the 2007 Act, a schedule of residual attachment; or
 - (b) to make, under section 136(2) of the 2007 Act, a satisfaction order.]
- (2) An interim order under section 6(3) of this Act shall come into effect on intimation to the creditor under section 6(6)(b) of this Act and shall remain in effect until intimation of the sheriff's [^{F7}or the First-tier Tribunal's] decision on the application for a time to pay order is made to the debtor and the creditor under section 7(4)(a) of this Act.
- ^{F8}(3)

Textual Amendments

- F1** S. 8(1)(za) inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 5 para. 16\(7\)\(a\)\(i\)](#) (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)
- F2** S. 8(1)(a) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, [Sch. 3 Pt. 1 para. 17\(3\)](#) (with s. 63)
- F3** Words in s. 8(1)(a) substituted (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 5 para. 16\(7\)\(a\)\(ii\)](#) (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))
- F4** S. 8(1)(aa) inserted (23.11.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 5 para. 16\(7\)\(a\)\(iii\)](#) (with s. 223); S.S.I. 2009/369, art. 3(2)(3), sch. (with art. 4) (which transitional provisions in art. 4 are revoked (31.1.2011) by [S.S.I. 2011/31](#), art. 5(c))
- F5** Words in s. 8(1)(c) inserted (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 5 para. 16\(7\)\(a\)\(iv\)](#) (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))
- F6** S. 8(1A)-(1C) inserted (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 5 para. 16\(7\)\(b\)](#) (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))
- F7** Words in s. 8(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\(8\)](#)

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F8 S. 8(3) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 6 Pt. 1](#) (with s. 223); [S.S.I. 2008/115](#), art. 3(2)(3), [sch. 2](#) (with arts. 4-6, 9, 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)

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