



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART VI

WARRANTS FOR DILIGENCE AND CHARGES FOR PAYMENT

87 Effect of warrants for diligence in extract decrees and other documents.

- (1) Every extract of a decree for the payment of money, or among other things for the payment of money, which is pronounced by—
- the Court of Session;
 - the High Court of Justiciary; or
 - the Court of Teinds,
- shall contain a warrant in the form prescribed by Act of Sederunt or, as the case may be, by Act of Adjournal.
- (2) The warrant referred to in subsection (1) above shall have the effect of authorising—
- in relation to an ordinary debt, the charging of the debtor to pay to the creditor within the period specified in the charge the sum specified in the extract and any interest accrued on the sum and, in the event of failure to make such payment within that period, the execution of an earnings arrestment [^{F1}, a land attachment, a residual attachment, a money attachment] and the [^{F2}attachment] of articles belonging to the debtor and, if necessary for the purpose of executing the [^{F3}land attachment, residual attachment, money attachment or][^{F2}attachment], the opening of shut and lockfast places;
 - in relation to an ordinary debt, an arrestment other than an arrestment of the debtor's earnings in the hands of his employer; and
- [^{F4}(ba) in relation to an ordinary debt, inhibition against the debtor;]
- if the decree consists of or includes a maintenance order, a current maintenance arrestment in accordance with Part III of this Act.
- (3) In section 7(1) of the ^{M1}Sheriff Courts (Scotland) Extracts Act 1892 (import of the warrant for execution), for the words from “it shall” to the end there shall be substituted the following words—

Changes to legislation: Debtors (Scotland) Act 1987, Section 87 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

“the said warrant shall have the effect of authorising—

- (a) in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, the charging of the debtor to pay to the creditor within the period specified in the charge the sum specified in the extract and any interest accrued on the sum and, in the event of failure to make such payment within that period, the execution of an earnings arrestment and the pouncing of articles belonging to the debtor and, if necessary for the purpose of executing the pouncing, the opening of shut and lockfast places;
- (b) in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, an arrestment other than an arrestment of the debtor’s earnings in the hands of his employer; and
- (c) if the decree consists of or includes a maintenance order within the meaning of the Debtors (Scotland) Act 1987, a current maintenance arrestment in accordance with Part III of that Act.”.

- (4) For section 3 of the ^{M2}Writs Execution (Scotland) Act 1877 there shall be substituted the following section—

“3 Power to execute diligence by virtue of warrant.

The warrant inserted in an extract of a document registered in the Books of Council and Session or in sheriff court books which contains an obligation to pay a sum of money shall have the effect of authorising—

- (a) in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, the charging of the debtor to pay to the creditor within the period specified in the charge the sum specified in the extract and any interest accrued on the sum and, in the event of failure to make such payment within that period, the execution of an earnings arrestment and the pouncing of articles belonging to the debtor and, if necessary for the purpose of executing the pouncing, the opening of shut and lockfast places;
- (b) in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, an arrestment other than an arrestment of the debtor’s earnings in the hands of his employer; and
- (c) if the document is a maintenance order within the meaning of the Debtors (Scotland) Act 1987, a current maintenance arrestment in accordance with Part III of that Act.”.

- (5) An extract of a decree in an action of pouncing of the ground shall contain a warrant in the form prescribed by Act of Sederunt which shall have the effect of authorising a pouncing of the ground.

Textual Amendments

- F1** Words in s. 87(2)(a) inserted (23.11.2009 for specified purposes) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 5 para. 16\(11\)\(a\)](#) (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))
- F2** Word in s. 87(2)(a) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, [Sch. 3 Pt. 1 para. 17\(9\)](#) (with s. 63)

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- F3** Words in s. 87(2)(a) inserted (23.11.2009 for specified purposes) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 5 para. 16\(11\)\(b\)](#) (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))
- F4** S. 87(2)(ba) inserted (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), [ss. 146\(5\), 227\(3\)](#) (with s. 223); S.S.I. 2009/67, art. 3(1)(a) (with arts. 4-6) (as amended (31.1.2011) by S.S.I. 2011/31, art. 5(b))

Marginal Citations

- M1** 1892 c. 17.
M2 1877 c. 40.

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