
STATUTORY INSTRUMENTS

1988 No. 2013

Act of Sederunt (Proceedings in the Sheriff Court
under the Debtors (Scotland) Act 1987) 1988

PART IV

DILIGENCE AGAINST EARNINGS

Applications by sheriff clerks for warrants for diligence

55.—(1) An application by a sheriff clerk under section 60(9)(c) of the Act for a warrant for diligence against an employer for recovery of sums which are claimed to be due shall be in form 47.

(2) An application to which paragraph (1) of this rule applies shall specify—

- (a) the name and address of the sheriff clerk, the employer, the debtor and the creditors under the conjoined arrestment order;
- (b) the date of the conjoined arrestment order and details of its service on the employer;
- (c) the sum claimed to be due by the employer and details of its calculation; and
- (d) the circumstances in which the sum is said to be due and, if appropriate, any reasons given to the sheriff clerk for its not having been paid.

(3) On preparing such an application the sheriff clerk shall—

- (a) fix a date for a hearing;
- (b) obtain from the sheriff a warrant for intimation;
- (c) intimate the application and warrant to the employer, the debtor and the creditors under the conjoined arrestment order; and
- (d) complete a certificate of intimation.