
Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Paragraph 2. (See end of Document for details)

SCHEDULE 4

RECOVERY BY LOCAL AUTHORITY OF UNPAID CHARGES

- 2 (1) Any sum to which this schedule applies may be recovered by the local authority by diligence—
- (a) authorised by a summary warrant granted under sub-paragraph (2), or
 - (b) in pursuance of a decree granted in an action for payment.
- (2) The sheriff, on an application by the authority which is accompanied by a certificate from them containing such particulars as may be prescribed by the Scottish Ministers by regulations, must grant a summary warrant in a form provided for by Act of Sederunt authorising the recovery, by way of any of the diligences mentioned in sub-paragraph (3), of the amount of the sum remaining due and unpaid along with a surcharge of 10 per cent of that amount.
- (3) The diligences referred to in sub-paragraph (2) are—
- [^{F1}(za) an attachment,]
 - [^{F2}(zb) a money attachment;]
 - (a) an earnings arrestment,
 - (b) an arrestment and action of furthcoming or sale.
- (4) It is incompetent for the sheriff to grant a summary warrant under sub-paragraph (2) in respect of any sum to which this schedule applies if an action has already been raised for the recovery of that sum; and, without prejudice to sub-paragraph (5), on the raising of an action for the recovery of any such sum, any existing summary warrant, in so far as it relates to the recovery of that sum, ceases to have effect.
- (5) It is incompetent to raise an action for the recovery of any sum to which this schedule applies if, in pursuance of a summary warrant, any of the diligences mentioned in sub-paragraph (3) for the recovery of that sum has been executed.
- (6) The Scottish Ministers may by order substitute another percentage for the percentage which is for the time being mentioned in sub-paragraph (2).

Textual Amendments

- F1** Sch. 4 para. 2(3)(za) inserted (30.12.2002) by 2002 asp 17, ss. 61, 64(2)-(4), **Sch. 3 Pt. I para. 28**
- F2** Sch. 4 para. 2(3)(zb) inserted (23.11.2009) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), s. 227(3), **sch. 5 para. 26(2)** (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))

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