



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 9

DILIGENCE AGAINST EARNINGS

201 Provision of debt advice and information package

- (1) In section 47 of the 1987 Act (general effect of earnings arrestment)—
- (a) in subsection (2)(a), after “shall” insert “, subject to subsection (3) below,”; and
 - (b) after subsection (2) insert—

“(3) An earnings arrestment shall not come into effect unless, no earlier than 12 weeks before the date on which the earnings arrestment schedule is served, the creditor has provided the debtor with a debt advice and information package.
- (4) In this section and in sections 51(2A) and 60(3A) of this Act, “debt advice and information package” means the debt advice and information package referred to in section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17).”
- (2) In section 51 of that Act (general effect of current maintenance arrestment)—
- (a) in subsection (2)(a), after “shall” insert “, subject to subsection (2A) below,”; and
 - (b) after subsection (2) insert—

“(2A) A current maintenance arrestment shall not come into effect unless, no earlier than 12 weeks before the date on which the current maintenance arrestment schedule is served, the creditor has provided the debtor with a debt advice and information package.”
- (3) In section 60 of that Act (conjoined arrestment orders), after subsection (3) insert—
- “(3A) It shall not be competent to make a conjoined arrestment order unless, no earlier than 12 weeks before the date of the application under subsection (2)

Changes to legislation: Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 201 is up to date with all changes known to be in force on or before 16 January 2019. 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)

above, the creditor has provided the debtor with a debt advice and information package.”.

(4) In section 73(1) of that Act (interpretation), after the definition of “current maintenance” insert—

““debt advice and information package” has the meaning given by section 47(4) of this Act;”.

Changes to legislation:

Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 201 is up to date with all changes known to be in force on or before 16 January 2019. 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.

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](#)