



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 12

SUMMARY WARRANTS, TIME TO PAY AND CHARGES TO PAY

210 Time to pay directions and time to pay orders

- (1) The 1987 Act is further amended as follows.
- (2) In section 1 (time to pay directions)—
 - (a) in subsection (1)—
 - (i) after “Act,” insert “ on an application by the debtor, ”; and
 - (ii) for the words “may, on an application by the debtor,” substitute “ , shall, if satisfied that it is reasonable in all the circumstances to do so, and having regard in particular to the matters mentioned in subsection (1A) below, ”; and
 - (b) after subsection (1) insert—

“(1A) The matters referred to in subsection (1) above are—

 - (a) the nature of and reasons for the debt in relation to which decree is granted;
 - (b) any action taken by the creditor to assist the debtor in paying that debt;
 - (c) the debtor’s financial position;
 - (d) the reasonableness of any proposal by the debtor to pay that debt; and
 - (e) the reasonableness of any refusal by the creditor of, or any objection by the creditor to, any proposal by the debtor to pay that debt.”.
- (3) In section 5 (time to pay orders)—
 - (a) in subsection (2), for the words “may, on an application by the debtor,” substitute “ , on an application by the debtor, shall, if satisfied that it is

Changes to legislation: *Bankruptcy and Diligence etc. (Scotland) Act 2007, Section 210 is up to date with all changes known to be in force on or before 23 March 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)*

reasonable in all the circumstances to do so, and having regard in particular to the matters mentioned in subsection (2A) below, ”; and

(b) after subsection (2), insert—

“(2A) The matters referred to in subsection (2) above are—

- (a) the nature of and reasons for the debt in relation to which the order is sought;
- (b) any action taken by the creditor to assist the debtor in paying that debt;
- (c) the debtor's financial position;
- (d) the reasonableness of any proposal by the debtor to pay that debt; and
- (e) the reasonableness of the objection by the creditor to the offer by the debtor to pay that debt.”.

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](#)