

## SCHEDULES

### SCHEDULE 5

#### POINDINGS AND SALES IN PURSUANCE OF SUMMARY WARRANTS

##### *Duration of poinding*

- 11 (1) Subject to sub-paragraphs (2), (3) and (5) below, a poinding shall cease to have effect on the expiry of a period of one year after the date of execution of the poinding.
- (2) The sheriff, on an application by the creditor or by a sheriff officer on his behalf made before the expiry of the period mentioned in sub-paragraph (1) above, may extend that period—
- (a) where he considers that, if the said period is extended, the debtor is likely to comply with an agreement between the creditor and the debtor for the payment of the sum recoverable by instalments or otherwise; or
  - (b) to enable further proceedings to be taken in the diligence where the termination of the poinding would prejudice the creditor and the creditor cannot be held responsible for the circumstances giving rise to the need for the extension,
- for such further period as he considers reasonable in the circumstances.
- (3) The sheriff may grant further extensions under sub-paragraph (2) above, on application being made to him before the expiry of the previously extended period.
- (4) The decision of the sheriff under sub-paragraph (2) above shall not be subject to appeal, and shall be intimated to the debtor by the sheriff clerk.
- (5) Where, within the period mentioned in sub-paragraph (1) above or within that period as extended under sub-paragraph (2) above, an application is made under sub-paragraph (2) above, the poinding shall continue to have effect until the disposal of the application.