

SCHEDULE 1

RULES FOR APPLICATIONS IN THE SHERIFF COURT UNDER THE DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) ACT 2002

CHAPTER 1

GENERAL

Citation and interpretation

1.—(1) These Rules may be cited as the Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002⁽¹⁾.

(2) In these Rules—

“the 2002 Act” means the Debt Arrangement and Attachment (Scotland) Act 2002;

“authorised lay representative” means a person to whom section 32(1) of the Solicitors (Scotland) Act 1980⁽²⁾ (offence for unqualified persons to prepare certain documents) does not apply by virtue of section 32(2)(a) of that Act;

“decree” and “document of debt” have the meanings given to them in section 10(5) of the 2002 Act; and

“exceptional attachment order” has the meaning given to it by section 47(1) of the 2002 Act;

(3) Any reference in these Rules—

(a) to a section is to be construed as the section bearing that number in the 2002 Act;

(b) to a specified paragraph is to be construed as a reference to the paragraph so numbered or lettered in the provision in which that reference occurs; or

(c) to a numbered form means the form so numbered in Appendix 1 to these Rules, or a form of substantially the same effect with such variation as circumstances may require.

(4) The glossary in Appendix 2 to these Rules is a guide to the meaning of certain legal expressions, but is not to be taken as giving those expressions any meaning that they do not have in law generally.

(1) 2002 asp 17.

(2) 1980 c. 46; section 32(1) was relevantly amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), section 56 and Schedule 1, Part I, paragraph 9, the Solicitors (Scotland) Act 1988 (c. 42), section 6 and Schedule 1, paragraph 7, the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), section 74 and Schedule 8, Part II, paragraph 29, and S.S.I. 2000/121.