

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

Act of Sederunt (Proceedings in the Sheriff Court under the Debtors (Scotland) Act 1987) 1988(1) (S.I.1988/2013)

1.—(1) In rule 6 (applications for variation or recall of time to pay orders, poindings or advertisements)–

- (a) in the heading for “poindings” substitute “attachments”; and
- (b) in paragraph (1) for “a poinding” substitute “an attachment”.

(2) In the Schedule (Forms)–

- (a) in form 2 (application for a time to pay order), in Part C–
 - (i) for “*poinding*” substitute “*attachment*”;
 - (ii) in crave 2, for “poinding” substitute “attachment”;
 - (iii) for crave 4, substitute–

“4. To order that no further steps shall be taken by the creditor or the sheriff officer in the diligence concerned, other than in the case of an attachment making a report of the attachment under section 17 of the Debt Arrangement and Attachment (Scotland) Act 2002, or applying for an order under sections 17(1), 20(1), and 21(10) of that Act.”; and

(iv) in the extract from section 5(4) and (5) of the Debtors (Scotland) Act–

(aa) in subsection (4) for paragraphs (e) and (ee) substitute–

“(e) in relation to a debt including any sum due to–

- (i) a rating authority for payment of rates;
- (ii) a regional or islands council for the payment of any community charge, community water charge, council tax, or council water charge;
- (iii) a collecting authority (within the meaning of section 79 of the Local Government etc. (Scotland) Act 1994) in respect of any charges payable to them by virtue of that section; or
- (iv) a regional or islands council for payment of any amount payable as a civil penalty within the meaning of subsection (9) below.”; and

(bb) in subsection (5), omit paragraph (a);

(b) in form 3 (application for variation or recall of a time to pay order, arrestment and poinding)–

- (i) in the heading, for “POINDING” substitute “ATTACHMENT”;
 - (ii) in section 3, in paragraph (c) for “poinding” or “*poinding*” in each case where either occurs substitute “attachment” or “*attachment*” as appropriate; and
 - (iii) in section 4, in paragraph 3 for “poinding” substitute “attachment”;
- (c) in form 43 (application for a conjoined arrestment order), in section 5 for “poinding” substitute “attachment”; and
- (d) in form 64 (warrant for intimation), in section 3, for “poinding” substitute “attachment”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.