

Status: This is the original version (as it was originally made).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

SCHEDULE 1

Paragraph 2(3)

Form 63B Form of certificate of execution of arrestment in execution CERTIFICATE OF EXECUTION

Rule 69A

I, *(name)*, Sheriff Officer, certify that I executed an arrestment, by virtue of:—

* a decree by the sheriff at *(place)* on *(date)*

* a document of debt as defined by section 73A(4) of the Debtors (Scotland) Act 1987 [and registered for execution in *(insert place of execution)* on *(insert date)*, if appropriate],

obtained at the instance of *(name and address of party arresting)* against *(name and address of defender)* on *(name of arrestee)*—

* by delivering the schedule of arrestment to *(name of arrestee or other person)* at *(place)* personally on *(date)*.

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place)* on *(date)*. [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment in *(place)* on *(date)*. *(Specify that enquiry made and reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place of business)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment at *(registered office)* on *(date)*, in the hands of *(name of person)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

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* by depositing the schedule of arrestment at (registered office) on (date) [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at (registered office) on (date) [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate]

I did this in the presence of (name, occupation and address of witness)

(Signed)

Sheriff Officer

(Address)

(Signed)

(Witness)

*Delete where not applicable

NOTE

A copy of the Schedule of arrestment is to be attached to this certificate

Form 63C *The Debtors (Scotland) Act 1987* **Form of Service of copy final decree under section 73C**

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Rule 69B

Sheriff Court Court Ref No

1. (Place and date)
To (name and address of arrestee)
2. On (date) the court granted decree against (name of debtor) for payment of £ (insert sum) to (insert name of creditor). A copy of the final decree is attached.
3. An arrestment on the dependence of this action attaching funds in your hands was executed on (insert date).
4. You are now required to release to the creditor, on the expiry of the period of 14 weeks beginning with this date (or earlier where a mandate authorises you to do so) the lowest of—
 - (a) the sum attached by the arrestment;
 - (b) the sum due by you to the debtor; or
 - (c) the sum of £(insert sum), which is the sum calculated in accordance with section 73K(c) of the Debtors (Scotland) Act 1987.
5. This must be done unless:
 - (a) an application is made under section 73M(1) of the Debtors (Scotland) Act 1987;
 - (b) the debtor applies to the sheriff under section 73Q(2) of that Act;
 - (c) an action of multiplepointing is raised in relation to the funds attached by the arrestment;
 - (d) the arrestment is recalled, restricted or otherwise ceases to have effect.

(Signed) Date

Creditor [or Solicitor for Creditor]

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL
ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form 63D*The Debtors (Scotland) Act 1987***Application under section 73H(1)**

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Rule 69C(1)

Sheriff Court

APPLICATION
FOR ORDER
REQUIRING
ARRESTEE TO
MAKE
PAYMENT TO
CREDITOR

(1)

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..... 20
(Court Ref. No.)
APPLICANT

*delete as appropriate

A.	The applicant is *(a) the creditor who has arrested in pursuance of a warrant granted for diligence on the dependence of an action *(b) the creditor who has arrested in execution of a decree (or document of debt)
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(1) Insert name and address

B	Other persons having an interest are *(c) the arrestee (1) *(d) the debtor (1)
---	--

C	The creditor obtained decree against the debtor at <i>(insert name of court)</i> on <i>(insert date)</i> (or give details of other document upon which the arrestment proceeded).
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D	The sum of £ <i>(insert sum)</i> was arrested in the hands of the arrestee on <i>(insert date)</i> .
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E	<i>(Where applicable)</i> The creditor served a copy of the final decree on the arrestee on <i>(insert date)</i>
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F	The arrestee has failed without reasonable excuse to send to the creditor the information referred to in section 73G(2) of the Debtors
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(Scotland) Act 1987.

G	<p>The applicant asks the court:</p> <ol style="list-style-type: none"> 1. To fix a hearing; 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant, the arrestee and the debtor; 3. To make an order requiring the arrestee to pay to the creditor – <ul style="list-style-type: none"> *(a) the sum of £ (<i>insert sum</i>) which is the sum due to the creditor by the debtor *(b) the sum of £ (<i>insert sum</i>) which is the sum first mentioned in column 1 of Table B in Schedule 2 to the Debtors (Scotland) Act 1987 (being the sum representing the net monthly earnings from which no reduction would be made under an earnings arrestment were such an arrestment in effect) *4. To make a finding of contempt of court.
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IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form 63E *The Debtors (Scotland) Act 1987* **Form of intimation of hearing**

Rule 69C(2), 69D(2) and 69E(2)

Sheriff Court Court Ref No

1. (*Place and date*)
To (*name and address of person to whom intimation is given*)
2. An application under [*section 73H(1) or 73M(1) or 73Q(1)] of the Debtors (Scotland) Act 1987 was made by (*name of applicant*) on (*date*).
3. The hearing of the application will take place on (*insert date*) at (*insert time*) in (*insert court*).
4. If you fail to attend or be represented at the hearing the application may be dealt with in your absence.

*delete as appropriate

(*Signed*)

Date

Sheriff Clerk

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form 63F *The Debtors (Scotland) Act 1987* **Notice of objection under section 73M(1)**

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Rule 69D

Sheriff Court

APPLICATION
FOR ORDER
RECALLING
OR
RESTRICTING
ARRESTMENT

(1)

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..... 20
(Court Ref. No.)
APPLICANT

(1) Insert name
and address

A.	<p>The applicant is</p> <ul style="list-style-type: none"> *(a) the debtor (1) *(b) the arrestee (1) *(c) a third party (1)
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* delete as
appropriate

B	<p>Other persons entitled to receive notice of this application are</p> <ul style="list-style-type: none"> *(d) the debtor (1) *(e) the arrestee (1) *(f) the creditor (1) *(g) a third party (1) (h) the sheriff clerk (1)
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C	<p>The creditor has arrested the sum of £ <i>(insert sum)</i> on <i>(insert date)</i> in relation to the decree granted at <i>(insert name of court)</i> *[and served upon the arrestee on <i>(insert date)</i>] <i>(or give details of the document upon which the arrestment proceeded).</i></p>
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D	<p>The applicant objects to the arrestment on the following grounds –</p> <ul style="list-style-type: none"> *(i) the warrant in execution of which the arrestment was executed is invalid <i>(give details)</i> *(j) the arrestment has been executed incompetently or irregularly <i>(give details)</i> *(k) the funds attached are due to the third party solely or in common with the debtor <i>(give details)</i>
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F.	The applicant asks the court <ol style="list-style-type: none"> 1. To fix a hearing; 2. To order the sheriff clerk to intimate the date of the hearing to the applicant and those persons mentioned in Part B; 3. To make an order recalling or restricting the arrestment.
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Note: You must give this notice of objection to the creditor, the sheriff clerk, the debtor or, as the case may be, the arrestee and, in so far as known to you, any third party, before the expiry of the period of 4 weeks beginning with the date of service of a copy of the final decree under section 73C(2) of the Debtors (Scotland) Act 1987 or, as the case may be, the date of service of the schedule of arrestment.

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form 63G *The Debtors (Scotland) Act 1987* **Application under section 73Q(2)**

Rule 69E

Sheriff Court

APPLICATION FOR RELEASE OF PROPERTY WHERE ARRESTMENT UNDULY HARSH (1)	<div style="border: 1px solid black; width: 100%; height: 100%;"></div> 20 (Court Ref. No.) APPLICANT
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A.	The applicant is The debtor
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(1) *Insert name and address*

B	Other persons having an interest are <ol style="list-style-type: none"> (a) The creditor (1) (b) The arrestee (1) (c) Other (1)
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C	The creditor has arrested the sum of £ (<i>insert sum</i>) in the hands of the arrestee on (<i>insert date</i>) in relation to the decree granted at (<i>insert name of court</i>) (or give details of other document upon which the arrestment proceeded) and that arrestment attaches funds due to or other moveable property of the debtor.
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D	The applicant considers that the arrestment is unduly harsh for the following reasons:- (<i>give details</i>)
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E	The applicant asks the court – <ol style="list-style-type: none"> 1. To fix a hearing 2. To order the sheriff clerk to intimate this application and the date of the hearing to the creditor, the arrestee and any other person appearing to the court to have an interest 3. To make an order –
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(a)	providing that the arrestment ceases to have effect in relation to – (specify funds or property); and
(b)	requiring the creditor to release the funds (or property) detailed above to the debtor.

Date 20 (Signed)

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

SCHEDULE 2

Paragraph 3(5)

Form G4B Form of schedule of arrestment on the dependence SCHEDULE OF ARRESTMENT ON THE DEPENDENCE

Rule 6.A8

Date: (date of execution)
Time: (time arrestment executed)
To: (name and address of arrestee)

IN HER MAJESTY'S NAME AND AUTHORITY AND IN NAME AND AUTHORITY OF THE SHERIFF, I, (name), Sheriff Officer, by virtue of:

- an initial writ containing warrant which has been granted for arrestment on the dependence of the action at the instance of (name and address of pursuer) against (name and address of defender) and dated (date);
• a counterclaim containing a warrant which has been granted for arrestment on the dependence of the claim by (name and address of creditor) against (name and address of debtor) and dated (date of warrant);
• an order of the Sheriff at (place) dated (date of order) granting warrant [for arrestment on the dependence of the action raised at the instance of (name and address of pursuer) against (name and address of defender)] [or for arrestment on the dependence of the claim in the counterclaim [or third party notice] by (name and address of creditor) against (name and address of debtor)].

arrest in your hands (i) the sum of (amount), in excess of the Protected Minimum Balance, where applicable (see Note 1), more or less, due by you to (defender's name) [or name and address of common debtor if common debtor is not the defender] or to any other person on his [or her] [or its] [or their] behalf; and (ii) all moveable things in your hands belonging or pertaining to the said (name of common debtor), to remain in your hands under arrestment until they are made forthcoming to (name of pursuer) [or name and address of creditor if he is not the pursuer] or until further order of the court.

This I do in the presence of (name, occupation and address of witness).

(Signed)
Sheriff Officer
(Address)

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NOTE

1. This Schedule arrests in your hands (i) funds due by you to *(name of common debtor)* and (ii) goods or other moveables held by you for him. **You should not pay any funds to him or hand over any goods or other moveables to him without taking legal advice.**
2. This Schedule may be used to arrest a ship or cargo. If it is, you should consult your legal adviser about the effect of it.
3. The Protected Minimum Balance is the sum referred to in section 73F(4) of the Debtors (Scotland) Act 1987. This sum is currently set at *[insert current sum]*. The Protected Minimum Balance applies where the arrestment attaches funds standing to the credit of a debtor in an account held by a bank or other financial institution and the debtor is an individual. The Protected Minimum Balance does not apply where the account is held in the name of a company, a limited liability partnership, a partnership or an unincorporated association or where the account is operated by the debtor as a trading account.
4. Under section 73G of the Debtors (Scotland) Act 1987 you must also, within the period of 3 weeks beginning with the day on which the arrestment is executed, disclose to the creditor the nature and value of the funds and/or moveable property which have been attached. This disclosure must be in the form set out in Schedule 8 to the Diligence (Scotland) Regulations 2009. Failure to comply may lead to a financial penalty under section 75G of the Debtors (Scotland) Act 1987 and may also be dealt with as a contempt of court. You must, at the same time, send a copy of the disclosure to the debtor and to any person known to you who owns (or claims to own) attached property and to any person to whom attached funds are (or are claimed to be) due, solely or in common with the debtor.

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form G4CForm of certificate of execution of arrestment on the dependence**CERTIFICATE OF EXECUTION**

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

Rule 6.A8

I, *(name)*, Sheriff Officer, certify that I executed an arrestment on the dependence, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* obtained at the instance of *(name and address of party arresting)* against *(name and address of defender)* on *(name of arrestee)*—

* by delivering the schedule of arrestment to *(name of arrestee or other person)* at *(place)* personally on *(date)*.

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment in *(place)* on *(date)*. *(Specify that enquiry made and reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place of business)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment at *(registered office)* on *(date)*, in the hands of *(name of person)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

(Witness)

*Delete where not applicable

NOTE

A copy of the Schedule of arrestment on the dependence is to be attached to this certificate.

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SCHEDULE 3

Paragraph 4(3)

Form 10A Form of schedule of arrestment on the dependence **SCHEDULE OF ARRESTMENT ON THE DEPENDENCE**

Rule 2.18A

Date: *(date of execution)*

Time: *(time arrestment executed)*

To: *(name and address of arrestee)*

IN HER MAJESTY'S NAME AND AUTHORITY AND IN NAME AND AUTHORITY OF THE SHERIFF, I, *(name)*, Sheriff Officer, by virtue of:

- an initial writ containing warrant which has been granted for arrestment on the dependence of the action at the instance of *(name and address of pursuer)* against *(name and address of defender)* and dated *(date)*;
- a counterclaim containing a warrant which has been granted for arrestment on the dependence of the claim by *(name and address of creditor)* against *(name and address of debtor)* and dated *(date of warrant)*;
- an order of the Sheriff at *(place)* dated *(date of order)* granting warrant [for arrestment on the dependence of the action raised at the instance of *(name and address of pursuer)* against *(name and address of defender)*] [or for arrestment on the dependence of the claim in the counterclaim [or third party notice] by *(name and address of creditor)* against *(name and address of debtor)*].

arrest in your hands (i) the sum of *(amount)*, in excess of the Protected Minimum Balance, where applicable *(see Note 1)*, more or less, due by you to *(defender's name)* [or *(name and address of common debtor if common debtor is not the defender)*] or to any other person on his [or her] [or its] [or their] behalf; and (ii) all moveable things in your hands belonging or pertaining to the said *(name of common debtor)*, to remain in your hands under arrestment until they are made forthcoming to *(name of pursuer)* [or *(name and address of creditor if he is not the pursuer)*] or until further order of the court.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

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

NOTE

1. This Schedule arrests in your hands (i) funds due by you to *(name of common debtor)* and (ii) goods or other moveables held by you for him. **You should not pay any funds to him or hand over any goods or other moveables to him without taking legal advice.**
2. This Schedule may be used to arrest a ship or cargo. If it is, you should consult your legal adviser about the effect of it.
3. The Protected Minimum Balance is the sum referred to in section 73F(4) of the Debtors (Scotland) Act 1987. This sum is currently set at *[insert current sum]*. The Protected Minimum Balance applies where the arrestment attaches funds standing to the credit of a debtor in an account held by a bank or other financial institution and the debtor is an individual. The Protected Minimum Balance does not apply where the account is held in the name of a company, a limited liability partnership, a partnership or an unincorporated association or where the account is operated by the debtor as a trading account.
4. Under section 73G of the Debtors (Scotland) Act 1987 you must also, within the period of 3 weeks beginning with the day on which the arrestment is executed, disclose to the creditor the nature and value of the funds and/or moveable property which have been attached. This disclosure must be in the form set out in Schedule 8 to the Diligence (Scotland) Regulations 2009. Failure to comply may lead to a financial penalty under section 75G of the Debtors (Scotland) Act 1987 and may also be dealt with as a contempt of court. You must, at the same time, send a copy of the disclosure to the debtor and to any person known to you who owns (or claims to own) attached property and to any person to whom attached funds are (or are claimed to be) due, solely or in common with the debtor.

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form 10B Form of certificate of execution of arrestment on the dependence **CERTIFICATE OF EXECUTION**

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Rule 2.18A

I, *(name)*, Sheriff Officer, certify that I executed an arrestment on the dependence, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* obtained at the instance of *(name and address of party arresting)* against *(name and address of defender)* on *(name of arrestee)*—

* by delivering the schedule of arrestment to *(name of arrestee or other person)* at *(place)* personally on *(date)*.

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment in *(place)* on *(date)*. *(Specify that enquiry made and reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place of business)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment at *(registered office)* on *(date)*, in the hands of *(name of person)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

(Witness)

* Delete where not applicable

NOTE

A copy of the Schedule of arrestment on the dependence is to be attached to this certificate.

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SCHEDULE 4

Paragraph 5(5)

Form 15b Form of schedule of arrestment on the dependence **SCHEDULE OF ARRESTMENT ON THE DEPENDENCE**

Rule 6.A8

Date: *(date of execution)*

Time: *(time arrestment executed)*

To: *(name and address of arrestee)*

IN HER MAJESTY'S NAME AND AUTHORITY AND IN NAME AND AUTHORITY OF THE SHERIFF, I, *(name)*, Sheriff Officer, by virtue of:

- a summons containing warrant which has been granted for arrestment on the dependence of the action at the instance of *(name and address of pursuer)* against *(name and address of defender)* and dated *(date)*;
- a counterclaim containing a warrant which has been granted for arrestment on the dependence of the claim by *(name and address of creditor)* against *(name and address of debtor)* and dated *(date of warrant)*;
- an order of the Sheriff at *(place)* dated *(date of order)* granting warrant [for arrestment on the dependence of the action raised at the instance of *(name and address of pursuer)* against *(name and address of defender)*] [or for arrestment on the dependence of the claim in the counterclaim [or third party notice] by *(name and address of creditor)* against *(name and address of debtor)*],

arrest in your hands (i) the sum of *(amount)*, in excess of the Protected Minimum Balance, where applicable *(see Note 1)*, more or less, due by you to *(defender's name)* [or *(name and address of common debtor if common debtor is not the defender)*] or to any other person on his [or her] [or its] [or their] behalf; and (ii) all moveable things in your hands belonging or pertaining to the said *(name of common debtor)*, to remain in your hands under arrestment until they are made forthcoming to *(name of pursuer)* [or *(name and address of creditor if he is not the pursuer)*] or until further order of the court.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

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NOTE

1. This Schedule arrests in your hands (i) funds due by you to (*name of common debtor*) and (ii) goods or other moveables held by you for him. **You should not pay any funds to him or hand over any goods or other moveables to him without taking legal advice.**
2. This Schedule may be used to arrest a ship or cargo. If it is, you should consult your legal adviser about the effect of it.
3. The Protected Minimum Balance is the sum referred to in section 73I(4) of the Debtors (Scotland) Act 1987. This sum is currently set at [*insert current sum*]. The Protected Minimum Balance applies where the arrestment attaches funds standing to the credit of a debtor in an account held by a bank or other financial institution and the debtor is an individual. The Protected Minimum Balance does not apply where the account is held in the name of a company, a limited liability partnership, a partnership or an unincorporated association or where the account is operated by the debtor as a trading account.
4. Under section 73G of the Debtors (Scotland) Act 1987 you must also, within the period of 3 weeks beginning with the day on which the arrestment is executed, disclose to the creditor the nature and value of the funds and/or moveable property which have been attached. This disclosure must be in the form set out in Schedule 8 to the Diligence (Scotland) Regulations 2009. Failure to comply may lead to a financial penalty under section 73G of the Debtors (Scotland) Act 1987 and may also be dealt with as a contempt of court. You must, at the same time, send a copy of the disclosure to the debtor and to any person known to you who owns (or claims to own) attached property and to any person to whom attached funds are (or are claimed to be) due, solely or in common with the debtor.

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form 15cForm of certificate of execution of arrestment on the dependence**CERTIFICATE OF EXECUTION**

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

Rule 6.A8

I, *(name)*, Sheriff Officer, certify that I executed an arrestment on the dependence, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* obtained at the instance of *(name and address of party arresting)* against *(name and address of defender)* on *(name of arrestee)*—

* by delivering the schedule of arrestment to *(name of arrestee or other person)* at *(place)* personally on *(date)*.

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment in *(place)* on *(date)*. *(Specify that enquiry made and reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place of business)* on *(date)*. [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment at *(registered office)* on *(date)*, in the hands of *(name of person)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(registered office)* on *(date)*. [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

(Witness)

*Delete where not applicable

NOTE

A copy of the Schedule of arrestment on the dependence is to be attached to this certificate.

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

SCHEDULE 5

Paragraph 6(5)

Form 9b Form of schedule of arrestment on the dependence **SCHEDULE OF ARRESTMENT ON THE DEPENDENCE**

Rule 7.A8

Date: *(date of execution)*

Time: *(time arrestment executed)*

To: *(name and address of arrestee)*

IN HER MAJESTY'S NAME AND AUTHORITY AND IN NAME AND AUTHORITY OF THE SHERIFF, I, *(name)*, Sheriff Officer, by virtue of:

- a summons containing warrant which has been granted for arrestment on the dependence of the action at the instance of *(name and address of pursuer)* against *(name and address of defender)* and dated *(date)*;
- a counterclaim containing a warrant which has been granted for arrestment on the dependence of the claim by *(name and address of creditor)* against *(name and address of debtor)* and dated *(date of warrant)*;
- an order of the Sheriff at *(place)* dated *(date of order)* granting warrant [for arrestment on the dependence of the action raised at the instance of *(name and address of pursuer)* against *(name and address of defender)*] [or for arrestment on the dependence of the claim in the counterclaim by *(name and address of creditor)* against *(name and address of debtor)*],

arrest in your hands (i) the sum of *(amount)*, in excess of the Protected Minimum Balance, where applicable (see Note 1), more or less, due by you to *(defender's name)* [or *(name and address of common debtor if common debtor is not the defender)*] or to any other person on his [or her] [or its] [or their] behalf; and (ii) all moveable things in your hands belonging or pertaining to the said *(name of common debtor)*, to remain in your hands under arrestment until they are made forthcoming to *(name of pursuer)* [or *(name and address of creditor if he is not the pursuer)*] or until further order of the court.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

NOTE

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

1. This Schedule arrests in your hands (i) funds due by you to (*name of common debtor*) and (ii) goods or other moveables held by you for him. You should not pay any funds to him or hand over any goods or other moveables to him without taking legal advice.
2. This Schedule may be used to arrest a ship or cargo. If it is, you should consult your legal adviser about the effect of it.
3. The Protected Minimum Balance is the sum referred to in section 73U(4) of the Debtors (Scotland) Act 1987. This sum is currently set at [*insert current sum*]. The Protected Minimum Balance applies where the arrestment attaches funds standing to the credit of a debtor in an account held by a bank or other financial institution and the debtor is an individual. The Protected Minimum Balance does not apply where the account is held in the name of a company, a limited liability partnership, a partnership or an unincorporated association or where the account is operated by the debtor as a trading account.
4. Under section 73G of the Debtors (Scotland) Act 1987 you must also, within the period of 3 weeks beginning with the day on which the arrestment is executed, disclose to the creditor the nature and value of the funds and/or moveable property which have been attached. This disclosure must be in the form set out in Schedule 3 to the Diligence (Scotland) Regulations 2009. Failure to comply may lead to a financial penalty under section 73G of the Debtors (Scotland) Act 1987 and may also be dealt with as a contempt of court. You must, at the same time, send a copy of the disclosure to the debtor and to any person known to you who owns (or claims to own) attached property and to any person to whom attached funds are (or are claimed to be) due, solely or in common with the debtor.

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form 9c Form of certificate of execution of arrestment on the dependence **CERTIFICATE OF EXECUTION**

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

Rule 6.A8

I, *(name)*, Sheriff Officer, certify that I executed an arrestment on the dependence, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* obtained at the instance of *(name and address of party arresting)* against *(name and address of defender)* on *(name of arrestee)*—

* by delivering the schedule of arrestment to *(name of arrestee or other person)* at *(place)* personally on *(date)*.

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment in *(place)* on *(date)*. *(Specify that enquiry made and reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place of business)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment at *(registered office)* on *(date)*, in the hands of *(name of person)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

(Witness)

^aDelete where not applicable

NOTE

A copy of the Schedule of arrestment on the dependence is to be attached to this certificate