



Debtors (Scotland) Act 1987

1987 CHAPTER 18

^{F1}[^{F1}PART 3A

ARRESTMENT AND ACTION OF FURTHCOMING

^{F1}73M Notice of objection

- (1) Where section 73J of this Act applies—
 - (a) the debtor;
 - (b) the arrestee; or
 - (c) a third party,may, by notice of objection, apply to the sheriff for an order recalling or restricting the arrestment.
- (2) The notice of objection referred to in subsection (1) above shall—
 - (a) be in (or as nearly as may be in) the form prescribed by Act of Sederunt;
 - (b) be given to the persons mentioned in subsection (3) below 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 this Act or, as the case may be, the date of service of the schedule of arrestment; and
 - (c) specify one or more of the grounds of objection mentioned in subsection (4) below.
- (3) The persons referred to in subsection (2)(b) above are—
 - (a) the creditor;
 - (b) the sheriff clerk;
 - (c) the debtor or, as the case may be, the arrestee; and
 - (d) in so far as known to the person objecting, any third party.
- (4) The grounds of objection referred to in subsection (2)(c) above are—
 - (a) the warrant in execution of which the arrestment was executed is invalid;
 - (b) the arrestment has been executed incompetently or irregularly;

Changes to legislation: *Debtors (Scotland) Act 1987, Section 73M is up to date with all changes known to be in force on or before 15 April 2024. 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) View outstanding changes*

- (c) the funds attached are due to the third party solely or in common with the debtor.
- (5) Where a person applies by notice of objection under subsection (1) above, that person may not, subject to subsection (6) below, raise—
 - (a) an action of multiplepoinding; or
 - (b) subject to subsection (7) below, any other proceedings, in relation to the funds attached.
- (6) Subsection (5) above is without prejudice to the right of the person—
 - (a) to enter any such action or proceedings raised by any other person; and
 - (b) to raise such an action or proceedings where the sheriff makes, under section 73N(5) of this Act, an order sisting the proceedings on the objection.
- (7) A debtor who applies by notice of objection under subsection (1) above may apply to the sheriff under section 73Q(2) of this Act and, in such a case, the sheriff may deal with both applications at one hearing.]

Textual Amendments

- F1** Pt. 3A inserted (1.4.2008 for the insertion of ss. 73A(5), 73B(2), 73C(2), 73E(3), 73F(6), 73G(2), 73H(1)(2), 73M(2)(a), 73Q(3)(a), 73S(1)(2) for specified purposes and for the insertion of s. 73A(2), 22.4.2009 otherwise except for the insertion of s. 73D) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 206**, 227(3) (with s. 223); S.S.I. 2008/115, art. 3(1)(e)(4), sch. 3 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3); S.S.I. 2009/67, art. 3(1)(b) (with arts. 4-6) (as amended (31.1.2011) by S.S.I. 2011/31, art. 5(b))

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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](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1)(d)(e) substituted for s. 8(1)(d) by [2007 asp 3 Sch. 5 para. 16\(7\)\(a\)\(v\)](#)