



Sheriff Courts (Scotland) Extracts Act 1892

1892 CHAPTER 17 55 and 56 Vict

[^{F17} Import of the warrant for execution.

The following provisions shall apply to the short warrant for execution added to said extracts:

- (1) If the decree extracted is for the payment of money, or, amongst other things, for the payment of money, [^{F2}the said warrant shall have the effect of authorising–
 - (a) in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, the charging of the debtor to pay to the creditor within the period specified in the charge the sum specified in the extract and any interest accrued on the sum and, in the event of failure to make such payment within that period, the execution of an earnings arrestment [^{F3}, a land attachment, a residual attachment, a money attachment]^{F3} and the [^{F4}attachment] of articles belonging to the debtor and, if necessary for the purpose of executing the [^{F5}land attachment, residual attachment, money attachment or]^{F5}[^{F4}attachment], the opening of shut and lockfast places;
 - (b) in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, an arrestment other than an arrestment of the debtor's earnings in the hands of his employer; and
 - [in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, inhibition against the debtor;]
 - ^{F6}(ba)
 - ^{F6}(c) if the decree consists of or includes a maintenance order within the meaning of the Debtors (Scotland) Act 1987, a current maintenance arrestment in accordance with Part III of that Act.]
- (2) If the decree extracted is for the performance of an act or implement of an obligation other than the payment of money, it shall be lawful, in virtue of said warrant, to charge the person against whom the decree is granted to perform the act or implement the obligation within the appropriate days of charge, under the pain of imprisonment.

Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Extracts Act 1892, Section 7. (See end of Document for details)

- (3) If the decree extracted is for the payment of money, and also for the performance of an act or implement of an obligation, it shall be lawful, in virtue of said warrant, to do what is provided for in the two immediately preceding sub-sections.
- (4) If the decree extracted is one of removing, it shall be lawful, in virtue of said warrant, to charge the defender to flit and remove himself, his sub-tenants, dependents, and effects from the subjects or premises mentioned in the extract, at the term or date therein specified, if the charge be given [^{F7}forty-eight hours][^{F7}14 days] prior thereto, or within [^{F7}forty-eight hours][^{F7}14 days] after the charge if given later, under the pain of ejection; and, if he fail to obey the charge, then to eject and remove the defender, his sub-tenants, dependants, and effects from the subjects or premises, and keep them furth thereof, and enter the pursuer or others in his name therein (an inventory of the effects ejected being made by the person executing the diligence) and, if needful for these purposes, to make gates, doors, and other lockfast places open and patent.
- (5) If the decree extracted is for a removing, and also for payment of money, or for the performance of an act or implement of an obligation, it shall be lawful, in virtue of said warrant, to do what is provided for in sub-sections (4), (1), or (2) of this section.

^{F8}(6)]

Textual Amendments

- F1** S. 7 repealed, so far as relating to decrees ad factum praestandum, by [Law Reform \(Miscellaneous Provisions\) Scotland Act 1940 \(c. 42\)](#), [Sch.](#)
- F2** Words substituted (S.) by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), ss. 87(3), 108, [Sch. 7 paras. 5, 9](#)
- F3** Words in s. 7(1)(a) inserted (S.) (23.11.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226(1), 227(3), [Sch. 5 para. 6\(2\)\(a\)](#) (with s. 223); S.S.I. 2009/369, [art. 3\(2\)](#), [Sch.](#) (with transitional provisions in [art. 4](#))
- F4** Words in s. 7(1)(a) substituted (S.) (30.12.2002) by [2002 asp 17](#), s. 61, [Sch. 3 Pt. 1 para. 8](#) (with s. 63)
- F5** Words in s. 7(1)(a) inserted (S.) (23.11.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226(1), 227(3), [Sch. 5 para. 6\(2\)\(b\)](#) (with s. 223); S.S.I. 2009/369, [art. 3\(2\)](#), [Sch.](#) (with transitional provisions in [art. 4](#))
- F6** S. 7(1)(ba) inserted (S.) (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. [146\(4\)](#), 227(3) (with s. 223); S.S.I. 2009/67, [art. 3\(1\)\(a\)](#) (with arts. 4-6)
- F7** Words in s. 7(4) substituted (S.) (4.4.2011) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [sch. 5 para. 6\(3\)](#) (with s. 223); S.S.I. 2011/179, [art. 3\(b\)](#) (with [art. 4](#))
- F8** S. 7(6) repealed (S.) by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108, [Sch. 7 paras. 5, 9\(1\)](#), [Sch. 8](#)

Modifications etc. (not altering text)

- C1** S. 7(1)(a) modified (S.) (1.4.2008) by [The Enforcement of Fines \(Diligence\) \(Scotland\) Regulations 2008 \(S.S.I. 2008/104\)](#), [reg. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Sheriff Courts (Scotland) Extracts Act 1892, Section 7.