Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 4

ABOLITION OF POINDINGS AND WARRANT SALES

58 Abolition of poindings and warrant sales

(1) It is not, subject to section 59 below, competent to enforce payment of a debt by poinding or warrant sale; and any enactment or rule of law allowing such enforcement shall cease to have effect.

(2) The following provisions of the Debtors (Scotland) Act 1987 (c.18) are repealed—

(a) Part II;

(b) section 74(2);

(c) Schedule 1; and

(d) Schedule 5.

59 Savings

(1) The provisions set out in subsection (5) below continue to have effect in relation to a poinding in respect of which a warrant sale has been completed before 30 December 2002 as if sections 58(2) above and 61 below had not come into force.

(2) Subject to subsection (3) below, those provisions also continue to have that effect in relation to a poinding executed before that date in respect of which a warrant sale has not been completed before that date.

(3) The saving provided for in subsection (2) above—

(a) has effect only if the poinding was executed at a place other than a dwellinghouse; and

(b) continues to have effect after 31 March 2003 only if a warrant sale is completed in respect of the poinding on or before that date.

(4) A summary warrant which, before 30 December 2002, authorised a poinding and sale in accordance with Schedule 5 to the Debtors (Scotland) Act 1987 (c.18) is to be treated on and after that date as authorising an attachment.

(5) The provisions referred to in subsections (1) and (2) above are—

(a) paragraph 24 of Schedule 7 to the Bankruptcy (Scotland) Act 1985 (c.66);

(b) the provisions of the Act of 1987 mentioned in section 58(2) above; and

(c) the provisions of the Act of 2002 mentioned in paragraph 29 of schedule 3 to this Act.

Changes to legislation:
There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 4.