



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- (2) The following provisions of the Debtors (Scotland) Act 1987 (c. 18) are repealed—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

Status: This is the original version (as it was originally enacted).

- (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.