

SCHEDULE 2

(introduced by section 45)

NON-ESSENTIAL ASSETS

- 1 For the purposes of Part 3 of this Act, “non-essential assets” are, subject to paragraph 2 below, corporeal moveable property of the debtor’s which is kept in a dwellinghouse.
- 2 None of the following is a non-essential asset for the purposes of Part 3 of this Act—
 - (a) an article specified in paragraph 3 below;
 - (b) an article described in paragraph 4 below; and
 - (c) an article the attachment of which is (by virtue of section 11(1) above or otherwise) incompetent.
- 3 The articles referred to in paragraph 2(a) above are—
 - (a) clothing reasonably required for the use of the debtor or any member of the debtor’s household;
 - (b) implements, tools of trade, books or other equipment reasonably required for the use of any member of the debtor’s household in the practice of such member’s profession, trade or business, not exceeding in aggregate value £1,000 or such other amount as may be prescribed in regulations made by the Scottish Ministers;
 - (c) medical aids or medical equipment reasonably required for the use of the debtor or any member of the debtor’s household;
 - (d) books or other articles reasonably required for the education or training of the debtor or any member of the debtor’s household not exceeding in aggregate value £1,000 or such other amount as may be prescribed in regulations made by the Scottish Ministers;
 - (e) articles reasonably required for the care or upbringing of a child who is a member of the debtor’s household;
 - (f) toys for the use of any child who is a member of the debtor’s household.
- 4 The articles referred to in paragraph 2(b) above are the following so far as they are reasonably required, at the time of the attachment, for the use of the debtor or a member of the debtor’s household—
 - (a) beds or bedding;
 - (b) household linen;
 - (c) chairs or settees;
 - (d) tables;
 - (e) food;
 - (f) lights or light fittings;
 - (g) heating appliances;
 - (h) curtains;
 - (i) floor coverings;
 - (j) furniture, equipment or utensils used for storing, cooking or eating food;
 - (k) refrigerators;
 - (l) articles used for cleaning, drying, mending, or pressing clothes;
 - (m) articles used for cleaning the dwellinghouse;
 - (n) furniture used for storing—
 - (i) clothing, bedding or household linen;

Status: This is the original version (as it was originally enacted).

- (ii) articles used for cleaning the dwellinghouse; or
 - (iii) utensils used for cooking or eating food;
- (o) articles used for safety in the dwellinghouse;
- (p) tools used for maintenance or repair of the dwellinghouse or of household articles;
- (q) computers and accessory equipment;
- (r) microwave ovens;
- (s) radios;
- (t) telephones;
- (u) televisions.

- 5 The Scottish Ministers may by regulations modify paragraph 4 above so as to—
- (a) add or remove types of articles to or, as the case may be, from those referred to in that paragraph; or
 - (b) vary any of the descriptions of the types of articles there referred to.