



Debtors (Scotland) Act 1880

1880 CHAPTER 34 43 and 44 Vict

An Act to abolish Imprisonment for Debt, and to provide for the better Punishment of Fraudulent Debtors in Scotland; and for other purposes. [7th September 1880]

Modifications etc. (not altering text)

C1 Act explained (5.4.1993) by [Child Support Act 1991 \(c. 48, SIF 20\)](#), [s. 40\(13\)](#); S.I. 1992/2644, [art.2](#)

Commencement Information

II Act wholly in force at Royal Assent

[^{F1}1] **Short title.**

This Act may be cited for all purposes as the Debtors (Scotland) Act 1880.]

Textual Amendments

F1 [Ss. 1, 2](#) repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), [Sch. 1](#)

[^{F2}2] **Extent of title.**

This Act shall extend to Scotland only.]

Textual Amendments

F2 [Ss. 1, 2](#) repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), [Sch. 1](#)

Changes to legislation: There are currently no known outstanding effects for the Debtors (Scotland) Act 1880. (See end of Document for details)

Textual Amendments

F3 Ss. 3, 5–16 and Sch. repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), [Sch. 1](#)

Abolition of Imprisonment for Debt

4 Abolition of imprisonment for debt, with certain exceptions.

With the exceptions herein-after mentioned, no person shall be apprehended or imprisoned on account of any civil debt.

There shall be excepted from the operation of the above enactment,—

[^{F4}(1) Taxes, fines, or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed:]

[^{F4}(1) Fines imposed for contempt of court or under section 91 of the Court of Session Act 1868.]

(2) Sums decerned for aliment:

[^{F5}Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months.]

Nothing contained in this Act shall affect or prevent the apprehension or imprisonment of any person under [^{F5}a warrant granted against him as being in meditatione fugæ, or under]any decree [^{F5}or obligation]ad factum præstandum.

Textual Amendments

F4 S. 4 para. 1 beginning “Fines imposed” substituted (S.) for para. 1 beginning “Taxes, fines” by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108, Sch. 6 para. 8, Sch. 7 paras. 5, [9\(1\)](#)

F5 Proviso and words repealed (S.) by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108, Sch. 7 paras. 5, 9(1), [Sch. 8](#)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)

C2 S. 4 restricted by [Crown Proceedings Act 1947 \(c. 44\)](#), [ss. 26\(2\)](#), 49

5—16. ^{F6}

Textual Amendments

F6 Ss. 3, 5–16 and Sch. repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), [Sch. 1](#)

Changes to legislation: There are currently no known outstanding effects for the Debtors (Scotland) Act 1880. (See end of Document for details)

F7F7 SCHEDULE

Textual Amendments

F7 Ss. 3, 5–16 and Sch. repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), [Sch. 1](#)

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Changes to legislation:

There are currently no known outstanding effects for the Debtors (Scotland) Act 1880.