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SCHEDULE 2

Paragraph 3(5)

Form 5	Form of notice to be served on defender where time to pay direction or time order may be applied for	
Rule 2.7(6) and 2.22(2)(b)	ACTION RAISED BY	
	PURSUER	DEFENDER
	AT	SHERIFF COURT
	(Including address)	
	COURT REF. NO.	
	THIS SECTION MUST BE COMPLETED BY THE PURSUER BEFORE SERVICE	
	<p>(1) Time to pay directions</p> <p>The Debtors (Scotland) Act 1987 gives you the right to apply to the court for a “time to pay direction” which is an order permitting you to pay any sum of money you are ordered to pay to the pursuer (which may include interest and court expenses) either by way of instalments or deferred lump sum. A deferred lump sum means that you must pay all the amount at one time within a period specified by the court.</p> <p>When making a time to pay direction the court may recall or restrict an arrestment made on your property by the pursuer in connection with the action or debt (for example, your bank account may have been frozen).</p>	

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	<p>(2) Time Orders</p> <p>The Consumer Credit Act 1974 allows you to apply to the court for a “time order” during a court action, to ask the court to give you more time to pay a loan agreement. A time order is similar to a time to pay direction, but can only be applied for where the court action is about a credit agreement regulated by the Consumer Credit Act. The court has power to grant a time order in respect of a regulated agreement to reschedule payment of the sum owed. This means that a time order can change:</p> <ul style="list-style-type: none"> • the amount you have to pay each month • how long the loan will last • in some cases, the interest rate payable <p>A time order can also stop the creditor taking away any item bought by you on hire purchase or conditional sale under the regulated agreement, so long as you continue to pay the instalments agreed.</p>
	<p>HOW TO APPLY FOR A TIME TO PAY DIRECTION OR TIME ORDER WHERE YOU ADMIT THE CLAIM AND YOU DO NOT WANT TO DEFEND THE ACTION</p> <ol style="list-style-type: none"> 1. The appropriate application forms are attached to this notice. After completing the appropriate form it should be returned to the Sheriff Court at least fourteen days before the date of the first hearing or expiry of the period of notice or otherwise, as the case may be, in the warrant of citation. The address of the court is shown on page 1 of the application. No court fee is payable when lodging the application. 2. Before completing the application please read carefully the notes on how to complete the application. In the event of difficulty you may contact the court’s civil department at the address above or any sheriff clerk’s office, solicitor, Citizens Advice Bureau or other advice agency. Written guidance can also be obtained from the Scottish Court Service website (www.scotcourts.gov.uk).
	<p style="text-align: center;">WHAT WILL HAPPEN NEXT</p>
	<p>If the pursuer objects to your application, a hearing will be fixed and the court will advise you in writing of the date and time.</p> <p>If the pursuer does not object to your application, a copy of the court order for payment (called an extract decree) will be served on you by the pursuer’s solicitor advising when instalment payments should commence or deferred payment be made.</p>

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	Court ref. no.
	APPLICATION FOR A TIME TO PAY DIRECTION UNDER THE DEBTORS (SCOTLAND) ACT 1987
*PART A	By
*(This section must be completed by pursuer before service)	DEFENDER
	In an action raised by
	PURSUER
	HOW TO COMPLETE THE APPLICATION PLEASE WRITE IN INK USING BLOCK CAPITALS
	<p>PART A of the application will have been completed in advance by the pursuer and gives details of the pursuer and you as the defender.</p> <p>PART B If you wish to apply to pay by instalments enter the amount and tick the appropriate box at B3(1). If you wish to apply to pay the full sum due in one deferred payment enter the period of deferment you propose at B3(2).</p> <p>PART C Give full details of your financial position in the space provided.</p> <p>PART D If you wish the court, when making the time to pay direction to recall or restrict an arrestment made in connection with the action, enter the appropriate details about what has been arrested and the place and date of the arrestment at D5, and attach the schedule of arrestment or copy.</p>

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	<p>Sign the application where indicated. Retain the copy initial writ and the form of notice which accompanied this application form as you may need them at a later stage. The application should be returned to the Sheriff Court at least fourteen days before the date of the first hearing or expiry of the period of notice or otherwise, as the case may be, in the warrant of citation. The address of the court is shown on page 1 of the application.</p>					
PART B	<p>1. The applicant is a defender in the action brought by the above named pursuer.</p> <p>2. The defender admits the claim and applies to the court for a time to pay direction.</p> <p>3. The defender applies</p> <p>(1) To pay by instalments of £</p>					
	(Tick one box only)					
	EACH WEEK		FORTNIGHT		MONTH	
	OR					
	<p>(2) To pay the sum ordered in one payment within</p> <p>WEEKS/MONTHS</p>					
	<p>Please state in this box why you say a time to pay direction should be made. In doing so, please consider the Note below.</p>					

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	NOTE			
	Under the 1987 Act, the court is required to make a time to pay direction if satisfied that it is reasonable in the circumstances to do so, and having regard in particular to the following matters –			
	<p>The nature of and reasons for the debt in relation to which decree is granted or the order is sought</p> <p>Any action taken by the creditor to assist the debtor in paying the debt</p> <p>The debtor's financial position</p> <p>The reasonableness of any proposal by the debtor to pay that debt</p> <p>The reasonableness of any refusal or objection by the creditor to any proposal or offer by the debtor to pay the debt.</p>			
PART C	4. Defender's financial position			
	I am employed /self employed / unemployed			
	My net income is:	weekly, fortnightly monthly	or	My outgoings are: weekly, fortnightly monthly
	Wages	£		Mortgage/rent £
	State benefits	£		Council tax £
	Tax credits	£		Gas/electricity etc £
	Other	£		Food £
				Credit and loans £
				Phone £
				Other £
	Total	£		Total £
	People who rely on your income (e.g. spouse/civil partner/partner/children) – how many			

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	<p>Here list all assets (if any) e.g. value of house, amounts in bank or building society accounts; shares or other investments:</p>
	<p>Here list any outstanding debts:</p>
<p>PART D</p>	<p>5. The defender seeks to recall or restrict an arrestment of which the details are as follows (<i>please state, and attach the schedule of arrestment or copy</i>).</p> <p>6. This application is made under sections 1(1) and 2(3) of the Debtors (Scotland) Act 1987.</p>
	<p>Therefore the defender asks the court</p> <p>*to make a time to pay direction</p> <p>*to recall the above arrestment</p> <p>*to restrict the above arrestment (<i>in which case state restriction wanted</i>)</p>
	<p>Date (<i>insert date</i>)</p>
	<p style="text-align: right;">Signed</p>
	<p style="text-align: right;">Defender</p>

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Court ref. no.	APPLICATION FOR A TIME ORDER UNDER THE CONSUMER CREDIT ACT 1974	
*PART A	By	
*(This section must be completed by pursuer before service)	DEFENDER	
	In an action raised by	
	PURSUER	
	HOW TO COMPLETE THE APPLICATION PLEASE WRITE IN INK USING BLOCK CAPITALS	
	<p>PART A of the application will have been completed in advance by the pursuer and gives details of the pursuer and you as the defender.</p> <p>PART B If you wish to apply to pay by instalments enter the amount and tick the appropriate box at B3. If you wish the court to make any additional orders, please give details at B4. Please give details of the regulated agreement at B5.</p> <p>PART C Give full details of your financial position in the space provided.</p> <p>Sign the application where indicated. Retain the copy initial writ and the form of notice which accompanied this application form as you may need them at a later stage. The application should be returned to the Sheriff Court at least fourteen days before the date of the first hearing or expiry of the period of notice or otherwise, as the case may be, in the warrant of citation. The address of the court is shown on page 1 of the application.</p>	

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PART B	<p>1. The Applicant is a defender in the action brought by the above named pursuer.</p> <p>I/WE WISH TO APPLY FOR A TIME ORDER under the Consumer Credit Act 1974</p>
	<p>2. Details of order(s) sought</p> <p>The defender wishes to apply for a time order under section 129 of the Consumer Credit Act 1974</p> <p>The defender wishes to apply for an order in terms of section of the Consumer Credit Act 1974</p>
	<p>3. Proposals for payment</p> <p>I admit the claim and apply to pay the arrears and future instalments as follows:</p> <p>By instalments of £ per *week/fortnight/month</p> <p>No time to pay direction or time to pay order has been made in relation to this debt.</p>
	<p>4. Additional orders sought</p> <p>The following additional order(s) is (are) sought: <i>(specify)</i></p> <p>The order(s) sought in addition to the time order is (are) sought for the following reasons:</p>
	<p>5. Details of regulated agreement</p> <p>(a) Date of agreement</p> <p>(b) Reference number of agreement</p> <p><i>(Please attach a copy of the agreement)</i></p>

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	<p>(c) Names and addresses of other parties to agreement</p> <p>(d) Name and address of person (if any) who acted as surety (guarantor) to the agreement</p> <p>(e) Place where agreement signed (e.g. the shop where agreement signed, including name and address)</p> <p>(f) Details of payment arrangements</p> <p>i. The agreement is to pay instalments of £ per week/month</p> <p>ii. The unpaid balance is £ / I do not know the amount of arrears</p> <p>iii. I am £ in arrears / I do not know the amount of arrears</p>			
PART C	Defender's financial position			
	I am employed /self employed / unemployed			
	My net income is:	weekly, fortnightly or monthly	My outgoings are:	weekly, fortnightly or monthly
	Wages	£	Mortgage/rent	£
	State benefits	£	Council tax	£
	Tax credits	£	Gas/electricity etc	£
	Other	£	Food	£
			Credit and loans	£
			Phone	£
			Other	£
	Total	£	Total	£
	People who rely on your income (e.g. spouse/civil partner/partner/children) – how many			

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	Here list all assets (if any) e.g. value of house; amounts in bank or building society accounts; shares or other investments:
	Here list any outstanding debts:
	Therefore the defender asks the court to make a time order
	Date Signed Defender

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Form 5A

Rule 2.22(4)

Form of pursuer's response objecting to application for time to pay direction or time order

Court ref no:

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

PURSUER'S RESPONSE OBJECTING TO APPLICATION FOR TIME TO PAY DIRECTION OR TIME ORDER

in the cause

[A.B.], *(insert designation and address)*, Pursuer

against

[C.D.], *(insert designation and address)*, Defender

1. The pursuer received a copy application for a time to pay direction or time order lodged by the defender on *(date)*.
2. The pursuer does not accept the offer.
3. The debt is *(please specify the nature of the debt)*.
4. The debt was incurred on *(specify date)* and the pursuer has contacted the defender in relation to the debt on *(specify date(s))*.
- *5. The contractual payments were *(specify amount)*.
- *6. *(Specify any action taken by the pursuer to assist the defender to pay the debt)*.
- *7. The defender has made payment(s) towards the debt of *(specify amount(s))* on *(specify date(s))*.
- *8. The debtor has made offers to pay *(specify amount(s))* on *(specify date(s))* which offer(s) was [were] accepted [or rejected] and *(specify amount)* was paid on *(specify date(s))*.
9. *(Here set out any information you consider relevant to the court's determination of the application)*.

*delete as appropriate

(Signed)
Pursuer or Solicitor for pursuer

(Date)