



Debtors (Scotland) Act 1987

1987 CHAPTER 18

^{F1}^{F1}PART 1A

DILIGENCE ON THE DEPENDENCE

^{F1}*Restriction on property attached*

Textual Amendments

- F1** Pt. 1A inserted (1.4.2008 except for the insertion of s. 15H(4), 22.4.2009 in so far as not already in force) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 169, 227(3)** (with s. 223); [S.S.I. 2008/115](#), art. 3(1)(b)(i) (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3); [S.S.I. 2009/67](#), art. 3(1)(c) (with arts. 4-6) (as amended (31.1.2011) by [S.S.I. 2011/31](#), art. 5(b))

15H Sum attached by arrestment on dependence

- (1) The court may, subject to subsection (2) below, when granting warrant for arrestment on the dependence, limit the sum which may be attached to funds not exceeding such amount as the court may specify.
- (2) The maximum amount which the court may specify under subsection (1) above shall be the aggregate of—
 - (a) the principal sum concluded for;
 - (b) a sum equal to 20 per cent of that sum or such other percentage as the Scottish Ministers may, by regulations, prescribe;
 - (c) a sum equal to 1 year's interest on the principal sum at the judicial rate; and
 - (d) any sum prescribed under subsection (3) below.
- (3) The Scottish Ministers may, by regulations, prescribe a sum which appears to them to be reasonable having regard to the expenses likely to be—
 - (a) incurred by a creditor; and

Changes to legislation: Debtors (Scotland) Act 1987, Cross Heading: Restriction on property attached is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) chargeable against a debtor,
in executing an arrestment on the dependence.
- (4) For the avoidance of doubt, section 73F of this Act applies to any sum attached under this section.

15J Property affected by inhibition on dependence

Where the court grants warrant for diligence by inhibition on the dependence—

- (a) in a case where the action is brought for specific implement of an obligation—
 - (i) to convey heritable property to the creditor;
 - (ii) to grant in the creditor's favour a real right in security over such property; or
 - (iii) to grant some other right over such property,the court shall limit the property inhibited to that particular property; and
- (b) in any other case, the court may limit the property inhibited to such property as the court may specify.]

Changes to legislation:

Debtors (Scotland) Act 1987, Cross Heading: Restriction on property attached is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1)(d)(e) substituted for s. 8(1)(d) by [2007 asp 3 Sch. 5 para. 16\(7\)\(a\)\(v\)](#)