

Status: Point in time view as at 01/02/1991.

Changes to legislation: Debtors (Scotland) Act 1987, Paragraph 25 is up to date with all changes known to be in force on or before 31 May 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)

SCHEDULES

SCHEDULE 5

POINDINGS AND SALES IN PURSUANCE OF SUMMARY WARRANTS

Modifications etc. (not altering text)

C1 Sch. 5 restricted (1.8.1994) by S.I. 1994/1774, reg. 43(7)

Expenses chargeable against the debtor

- 25 (1) Subject to paragraphs 26 to 29 below, there shall be chargeable against the debtor any expenses incurred—
- (a) in serving a notice under paragraph 3 above before entering a dwellinghouse for the purpose of executing a poinding;
 - (b) in executing a poinding under paragraph 5 above;
 - (c) in granting a receipt under sub-paragraph (5) of paragraph 6 above for payment for redemption under sub-paragraph (4) thereof;
 - (d) in granting a receipt under paragraph 15(3) above for payment for the redemption of any poinded article;
 - (e) in making intimation, sending particulars of the arrangements for the sale to the sheriff clerk and giving public notice under paragraph 16 above;
 - (f) in removing any poinded articles for sale;
 - (g) in making arrangements for and conducting a sale;
 - (h) where the arrangements for a sale have been cancelled under paragraph 17(4) above, in returning poinded articles to any premises from which they have been removed for sale;
 - (j) in making a report of sale under paragraph 20 above;
 - (k) in granting a receipt under paragraph 22(4) above for payment for the release from a poinding of any article which is owned in common;
 - (l) in opening shut and lockfast places in the execution of the diligence;
 - (m) by a solicitor in instructing a sheriff officer to take any of the steps specified in this sub-paragraph.
- (2) The Lord Advocate may by regulations add to, delete or vary any of the steps specified in sub-paragraph (1) above.

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