



# Debtors (Scotland) Act 1987

## 1987 CHAPTER 18

### PART I

#### EXTENSION OF TIME TO PAY DEBTS

##### *Time to pay orders following charge or diligence*

#### **10 Variation and recall of time to pay order and arrestment.**

- (1) The sheriff may, on an application by the debtor or the creditor—
  - (a) vary or recall a time to pay order if he is satisfied that it is reasonable to do so; or
  - (b) if [<sup>F1</sup>an attachment] or an arrestment in respect of the debt is in effect, recall [<sup>F2</sup>the attachment] or recall or restrict the arrestment.
- (2) If [<sup>F3</sup>an attachment] or an arrestment in respect of the debt is in effect, the sheriff may order that any variation, recall or restriction under subsection (1) above shall be subject to the fulfilment by the debtor of such conditions as the sheriff thinks fit.
- (3) The sheriff clerk shall as soon as is reasonably practicable intimate a variation under subsection (1) above to the debtor and to the creditor, and the variation shall come into effect on the date of such intimation.
- (4) Where, after a time to pay order has been made, it comes to the knowledge of the sheriff that the debt to which the order applies is being enforced by any of the diligences mentioned in section 9(1)(b) of this Act which was in effect when the time to pay order was made, the sheriff, after giving all interested parties an opportunity to be heard, may make—
  - (a) an order recalling the time to pay order; or
  - (b) any of the orders mentioned in subsection (2) or (4) of section 9 of this Act; and that section shall, subject to any necessary modifications, apply for the purposes of an order made under this paragraph as it applies for the purposes of an order made under either of those subsections.

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*Status: Point in time view as at 30/12/2002. This version of this provision has been superseded.*

*Changes to legislation: Debtors (Scotland) Act 1987, Section 10 is up to date with all changes known to be in force on or before 03 June 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)*

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#### Textual Amendments

- F1** Words in s. 10(1)(b) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, **Sch. 3 Pt. 1 para. 17(5)(a)(i)** (with s. 63)
- F2** Words in s. 10(1)(b) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, **Sch. 3 Pt. 1 para. 17(5)(a)(ii)** (with s. 63)
- F3** Words in s. 10(2) substituted (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 61, **Sch. 3 Pt. 1 para. 17(5)(b)** (with s. 63)

**Status:**

Point in time view as at 30/12/2002. This version of this provision has been superseded.

**Changes to legislation:**

Debtors (Scotland) Act 1987, Section 10 is up to date with all changes known to be in force on or before 03 June 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.