



# Debtors (Scotland) Act 1987

## 1987 CHAPTER 18

### PART VII

#### MISCELLANEOUS AND GENERAL

#### 106 Interpretation.

In this Act—

“current maintenance” has the meaning given to it in section 73(1) of this Act;

“earnings” has the meaning given to it in section 73(2) of this Act;

“employer” has the meaning given to it in section 73(1) of this Act;

<sup>F1</sup> . . .

“maintenance” means periodical sums payable under a maintenance order;

“maintenance order” means—

- (a) an order granted by a court in Scotland for payment of a periodical allowance on divorce or on the granting of a declarator of nullity of marriage, or for alimient;
- (b) an order under section 43 or 44 of the <sup>M1</sup>National Assistance Act 1948, section 23 or 24 of the <sup>M2</sup>Ministry of Social Security Act 1966, section 80 or 81 of the <sup>M3</sup>Social Work (Scotland) Act 1968, section 11(3) of the <sup>M4</sup>Guardianship Act 1973, section 18 or 19 of the <sup>M5</sup>Supplementary Benefits Act 1976, section 50 or 51 of the <sup>M6</sup>Child Care Act 1980 or section 24 or 25 of the <sup>M7</sup>Social Security Act 1986;
- (c) an order of a court in England and Wales or Northern Ireland registered in Scotland under Part II of the <sup>M8</sup>Maintenance Orders Act 1950;
- (d) a provisional order of a reciprocating country which is confirmed by a court in Scotland under Part I of the <sup>M9</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972;
- (e) an order of a reciprocating country which is registered in Scotland under that Part of that Act;

*Status: Point in time view as at 01/04/2002. This version of this provision has been superseded.*

*Changes to legislation: Debtors (Scotland) Act 1987, Section 106 is up to date with all changes known to be in force on or before 28 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)*

- (f) an order registered in Scotland under Part II, or under an Order in Council made in pursuance of Part III, of that Act;
  - (g) an order registered in Scotland under section 5 of the <sup>M10</sup>Civil Jurisdiction and Judgments Act 1982; <sup>F2</sup> . . .
  - (h) an alimentary bond or agreement (including a document providing for the maintenance of one party to a marriage by the other after the marriage has been dissolved or annulled)—
    - (i) registered for execution in the Books of Council and Session or sheriff court books; or
    - (ii) registered in Scotland under an Order in Council made under section 13 of the Civil Jurisdiction and Judgments Act 1982;
- [<sup>F3</sup>or
- (j) a maintenance assessment within the meaning of the Child Support Act 1991.]
- “net earnings” has the meaning given to it in section 73(1) of this Act;  
 “officer of court” means a messenger-at-arms or a sheriff officer;  
 “ordinary debt” has the meaning given to it in section 73(1) of this Act;  
 [<sup>F4</sup>“summary warrant” means a summary warrant granted under or, as the case may be, by virtue of—
- (a) paragraph 7 of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987;
  - (b) paragraph 2 of Schedule 8 to the <sup>M11</sup>Local Government Finance Act 1992;
  - (c) paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994; or
  - (cc) section 121B of the Social Security Administration Act 1992;]
- (cca) [<sup>F5</sup>paragraph 2 of schedule 4 to the Water Industry (Scotland) Act 2002 (asp 3);]
- (d) any of the enactments mentioned in Schedule 4 to this Act;
- “warrant of sale” has the meaning given in section 30 of this Act.

#### Textual Amendments

- F1** S. 106 (definition of levying authority) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117, [Sch. 13 para. 55\(a\)](#), [Sch. 14](#); S.I. 1993/575, [art. 2\(c\)](#).
- F2** Word in s. 106 omitted (5.4.1993) by virtue of [Child Support Act 1991 \(c. 48, SIF 20\)](#), s. 58(13), [Sch. 5 para. 8\(7\)\(a\)](#) (with s. 9(2)); S.I. 1992/2644, [art. 2](#).
- F3** In s. 106, word and para. (j) in the definition of "maintenance order" inserted (5.4.1993) by [Child Support Act 1991 \(c. 48, SIF 20\)](#), s. 58(13), [Sch. 5 para. 8\(7\)\(b\)](#) (with s. 9(2)); S.I. 1992/2644, [art. 2](#).
- F4** Definition of “summary warrant” in s. 106 substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 151\(3\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F5** S. 106: in definition of "summary warrant" para. (cca) inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 17\(3\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

#### Marginal Citations

- M1** 1948 c. 29.  
**M2** 1966 c. 20.  
**M3** 1968 c. 49.  
**M4** 1973 c. 29.  
**M5** 1976 c. 71.

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| <b>M6</b>  | 1980 c. 5.  |
| <b>M7</b>  | 1986 c. 50. |
| <b>M8</b>  | 1950 c. 37. |
| <b>M9</b>  | 1972 c. 18. |
| <b>M10</b> | 1982 c. 27. |
| <b>M11</b> | 1992 c. 14. |

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