



# Debtors (Scotland) Act 1987

## 1987 CHAPTER 18

### PART I

#### EXTENSION OF TIME TO PAY DEBTS

##### *Time to pay directions on granting decree*

### 3 Variation and recall of time to pay direction and arrestment.

- (1) The court which granted a decree<sup>[F1]</sup>, or the First-tier Tribunal, where it has made an order,] containing a time to pay direction may, on an application by the debtor or the creditor—
  - (a) vary or recall the direction if it is satisfied that it is reasonable <sup>[F2]</sup>in all the circumstances] to do so; or
  - (b) if <sup>[F3]</sup>an interim attachment or] an arrestment in respect of the debt concerned is in effect, recall or restrict the <sup>[F4]</sup>interim attachment or] arrestment.
- (2) If <sup>[F5]</sup>an interim attachment or] an arrestment in respect of the debt concerned is in effect, the court <sup>[F6]</sup>or the First-tier Tribunal] 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 court <sup>[F6]</sup>or the First-tier Tribunal] thinks fit.
- (3) The clerk of court<sup>[F7]</sup>, sheriff clerk or, in relation to time to pay directions made by the First-tier Tribunal, a member of administration staff of the First-tier Tribunal] 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.

#### Textual Amendments

- F1** Words in s. 3(1) inserted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(4)(a)**
- F2** Words in s. 3(1)(a) inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), **sch. 5 para. 16(3)(a)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10,

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**Changes to legislation:** *Debtors (Scotland) Act 1987, Section 3 is up to date with all changes known to be in force on or before 20 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*

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- 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)
- F3** Words in s. 3(1)(b) inserted (1.4.2008) by **Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)**, s. 227(3), **sch. 5 para. 16(3)(b)(i)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (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)
- F4** Words in s. 3(1)(b) inserted (1.4.2008) by **Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)**, s. 227(3), **sch. 5 para. 16(3)(b)(ii)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (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)
- F5** Words in s. 3(2) inserted (1.4.2008) by **Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)**, s. 227(3), **sch. 5 para. 16(3)(c)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (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)
- F6** Words in s. 3(2) inserted (6.3.2019) by **The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51)**, regs. 1, **2(4)(b)**
- F7** Words in s. 3(3) substituted (6.3.2019) by **The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51)**, regs. 1, **2(4)(c)**

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**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\(7\)\(a\)\(v\)](#)