



Writs Execution (Scotland) Act 1877

1877 CHAPTER 40 40 and 41 Vict

[^{F1}3 Power to execute diligence by virtue of warrant.

The warrant inserted in an extract of a document registered in the Books of Council and Session or in sheriff court books which contains an obligation to pay a sum of money shall have the effect of authorising—

- (a) in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, the charging of the debtor to pay to the creditor within the period specified in the charge the sum specified in the extract and any interest accrued on the sum and, in the event of failure to make such payment within that period, the execution of an earnings arrestment [^{F2}, a land attachment, a residual attachment, a money attachment] and the [^{F3}attachment] of articles belonging to the debtor and, if necessary for the purpose of executing the [^{F4}land attachment, residual attachment, money attachment or][^{F3}attachment], the opening of shut and lockfast places;
- (b) in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, an arrestment other than an arrestment of the debtor's earnings in the hands of his employer; and
- [in relation to an ordinary debt within the meaning of the Debtors (Scotland) Act 1987, inhibition against the debtor;]
- (c) if the document is a maintenance order within the meaning of the Debtors (Scotland) Act 1987, a current maintenance arrestment in accordance with Part III of that Act.]

Textual Amendments

- F1** S. 3 substituted by [Debtors \(Scotland\) Act 1987 \(c. 18\), s. 87\(4\)](#).
- F2** Words in s. 3(a) inserted (23.11.2009 for specified purposes) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\), s. 227\(3\), sch. 5 para. 4\(a\)](#) (with s. 223); S.S.I. 2009/369, art. 3(2)(3), sch. (with art. 4) (which transitional provisions in art. 4 are revoked (31.1.2011) by S.S.I. 2011/31, art. 5(c))
- F3** Words in s. 3(a) substituted (30.12.2002) by [2002 asp 17, ss. 61, 64\(2\), Sch. 3 Pt. I para. 7](#)
- F4** Words in s. 3(a) inserted (23.11.2009 for specified purposes) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\), s. 227\(3\), sch. 5 para. 4\(b\)](#) (with s. 223); S.S.I. 2009/369, art.

Changes to legislation: There are currently no known outstanding effects for the Writs Execution (Scotland) Act 1877, Section 3. (See end of Document for details)

3(2)(3), sch. (with art. 4) (which transitional provisions in art. 4 are revoked (31.1.2011) by S.S.I. 2011/31, art. 5(c))

- F5** S. 3(ba) inserted (22.4.2009) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), ss. 146(3), 227(3) (with s. 223); S.S.I. 2009/67, art. 3(1)(a) (with arts. 4-6) (as amended (31.1.2011) by S.S.I. 2011/31, art. 5(b))

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