



Sheriff Courts (Scotland) Extracts Act 1892

1892 CHAPTER 17

7 **Import of the warrant for execution.**

The following provisions shall apply to the short warrant for execution added to said extracts :

- (1) If the decree extracted is for the payment of money, or, amongst other things, for the payment of money, it shall be lawful, in virtue of said warrant, to charge the debtor to pay the sum or sums of money, principal, interest, and expenses specified in the extract, to the creditor within the appropriate days of charge, under the pain of poinding (and also under the pain of imprisonment where the debt is of such a nature as the payment thereof may be enforced by imprisonment), the terms of payment being first come and bygone; as also to arrest the goods, debts, and sums of money of the debtor in payment or satisfaction of the sum or sums contained in the extract; and if the debtor fail to obey the charge, then to poind and distraign his goods and effects in payment or satisfaction of the sum or sums contained in the extract; and if necessary for effecting said poinding, to open shut and lockfast places.
- (2) If the decree extracted is for the performance of an act or implement of an obligation other than the payment of money, it shall be lawful, in virtue of said warrant, to charge the person against whom the decree is granted to perform the act or implement the obligation within the appropriate days of charge, under the pain of imprisonment.
- (3) If the decree extracted is for the payment of money, and also for the performance of an act or implement of an obligation, it shall be lawful, in virtue of said warrant, to do what is provided for in the two immediately preceding sub-sections.
- (4) If the decree extracted is one of removing, it shall be lawful, in virtue of said warrant, to charge the defender to flit and remove himself, his sub-tenants, dependents, and effects from the subjects or premises mentioned in the extract, at the term or date therein specified, if the charge be given forty-eight hours prior thereto, or within forty-eight hours after the charge if given later, under the pain of ejection; and, if he fail to obey the charge, then to eject and remove the defender, his sub-tenants, dependents, and effects from the subjects or premises, and keep them furth thereof, and enter the

Status: This is the original version (as it was originally enacted).

pursuer or others in his name therein (an inventory of the effects ejected being made by the person executing the diligence) and, if needful for these purposes, to make gates, doors, and other lockfast places open and patent.

- (5) If the decree extracted is for a removing, and also for payment of money, or for the performance of an act or implement of an obligation, it shall be lawful, in virtue of said warrant, to do what is provided for in sub-sections (4), (1), or (2) of this section.
- (6) In any case where the party to be charged is furth of Scotland, it shall be lawful, in virtue of said warrant, to give an edictal charge of fourteen days.