

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM B3 WARRANT OF CITATION - SUMMARY APPLICATION WHERE TIME TO PAY DIRECTION MAY BE APPLIED FOR

Rule 5(4)

(Place and date) Grants warrant to cite the defender by serving a copy of the writ and warrant, together with form B6 as set out in the Appendix to the First Schedule to the Sheriff Courts (Scotland) Act 1907, upon a period of notice of _____ days, and appoints him to answer within the Sheriff Court House at _____ (in Room No, _____ or in Chambers, or as the case may be), on the day of _____ at _____ o'clock noon; Appoints the defender if he admits the claim and intends to apply for a time to pay direction (and where appropriate for recall or restriction of an arrestment) either to appear at that diet and make such application or to lodge the appropriate part of form B6 duly completed with the sheriff clerk at *(place)* at least seven days before the diet; [*where appropriate add* meantime sequestrates and grants warrant to inventory and secure *or* grants warrant to arrest on the dependence *or otherwise as the case may be*].

FORM B4 WARRANT OF CITATION WHERE TIME TO PAY DIRECTION MAY BE APPLIED FOR

Rule 5(5)

(Place and date) Grants warrant to cite the defender by serving a copy of the writ and warrant, together with form B5 as set out in the Appendix to the First Schedule to the Sheriff Courts (Scotland) Act 1907, upon a period of notice of _____ days and appoints him (a) if he intends to defend to lodge a notice of intention to defend or (b) if he does not intend to defend but admits the claim and intends to apply for a time to pay direction (and where appropriate for recall or restriction of an arrestment) to lodge the appropriate part of form B5 duly completed, with the sheriff clerk at _____ within the period of notice after such service [*and grants warrant to arrest on the dependence*]. [*Where appropriate add* meantime grants interim interdict *or* warrant to arrest on the dependence *or* sequestrates and grants warrant to inventory *or otherwise, as the case may be* [and to arrest to found jurisdiction.]]

FORM B5 NOTICE TO BE SERVED ON DEFENDER IN ORDINARY ACTION WHERE TIME TO PAY DIRECTION MAY BE APPLIED FOR

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 5(6)

ACTION RAISED BY

.....
.....
.....
..... PURSUER DEFENDER

AT **SHERIFF COURT**
Including Address

COURT	DATE OF EXPIRY OF
REF NUMBER	PERIOD OF NOTICE
..... /
	

THIS SECTION MUST BE COMPLETED BY PURSUER BEFORE SERVICE

Under the Debtors (Scotland) Act 1987

The Act gives you a right to apply to the court for a “time to pay direction” which is an order saying that you can pay any sum of money you are ordered to pay to the pursuer (which may include interest and court expenses) either by way of instalments or deferred lump sum. A deferred lump means that you must pay all the amount at one time within a specified period set by the court.

In addition when making a “time to pay direction” the court may recall or restrict an arrestment made on your property by the pursuer in connection with the action or debt (for example your bank account may have been frozen).

HOW TO APPLY FOR A TIME TO PAY DIRECTION WHEN CLAIM ADMITTED AND YOU DO NOT WANT TO DEFEND THE ACTION

1. Attached to this Notice at pages 3 and 4 is an application for a “time to pay direction” and recall or restriction of an arrestment, if appropriate. If you want to make an application you should lodge the completed application with the court **before** the expiry of the period of notice—the date of which is given above. No court fee is payable when lodging the application.

2. Before completing the application please read carefully the notes overleaf on page 2. In the event of difficulty you may contact the court’s Civil Department at the address above or any Sheriff Clerk’s Office, Citizens Advice Bureau or a solicitor.

NOTE

Where this form is being served on a defender along with form HH (notice to additional defender) the reference to “date of expiry of period of notice” should be amended to “date for lodging of defences or an application for a time to pay direction” and the references to “before the expiry of the period of notice” should be amended to “on or before the date for lodging of defences or an application for a time to pay direction”.

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HOW TO COMPLETE THE APPLICATION

PLEASE WRITE IN INK USING BLOCK CAPITALS

PART A of the application will have been completed in advance by the pursuer and gives details of the pursuer **and you** as the **defender**.

PART B—If you wish to apply to pay by instalments enter the amount and tick the appropriate box at B3(1). If you wish to apply to pay the full sum due in one deferred payment enter the period of deferment you propose at B3(2).

PART C—You should give full details of your financial position in the appropriate boxes.

PART D—If you wish the court when making the “time to pay direction” to recall or restrict an arrestment made in connection with the action then enter the appropriate details about what has been arrested and the place and date of the arrestment at 5, and attach Schedule of Arrestment or copy.

Sign the application where indicated and detach pages 3 and 4. Retain the copy initial writ and pages 1 and 2 of this form as you may need them at a later state. You should ensure that your application arrives at the court before the expiry of the period of notice.

WHAT WILL HAPPEN NEXT

If the pursuer objects to your application a hearing will be fixed and the court will advise you in writing of the date and time.

If the pursuer does not object to your application, then a copy of the court order for payment (called an extract decree) will be served on you by the pursuer’s solicitor advising when payment should commence or be made.

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COURT(Ref. No.) 19

APPLICATION FOR A TIME TO PAY DIRECTION
Under the Debtors (Scotland) Act 1987

PART A* By
.....
.....
..... **DEFENDER**

*(This section must be completed by pursuer before service)
IN AN ACTION RAISED BY
.....
.....
..... **PURSUER**

PART B

1. The applicant is a defender in the action brought by the above named pursuer.
2. The defender admits the claim and applies to the court for a "time to pay direction".
3. The defender applies (1) To pay by instalments of £

(Tick one box only) EACH WEEK FORTNIGHT MONTH

OR

(2) To pay the sum ordered in one payment within WEEKS/MONTHS

PART C

4. The Defender's financial position is:—

(Tick one box only)

My outgoings are:	Weekly	Fortnightly	Monthly	My income is:	Weekly	Fortnightly	Monthly
Rent/Mortgage	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wages/Pensions	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heating	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Social security	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HP	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Other	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Total	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Total	£ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dependants: Children—how many Dependent relatives—how many

Here list all capital (if any), eg value of house; amount in bank/building society account; shares or other investments:

Here list any outstanding debts:

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PART D

5. The defender seeks to recall or restrict an arrestment of which the details are as follows (please state, and attach Schedule of Arrestment or copy):—

6. This application is made under section 1(1) and 2(3) of the Debtors (Scotland) Act 1987.

Therefore the defender asks the court

- | | |
|-----------|---|
| * Delete | *a. to make a "time to pay direction". |
| what does | *b. to recall the above arrestment. |
| not apply | *c. to restrict the above arrestment (in which case state restriction wanted):— |

(signed)
Defender

Date:—

FORM B6NOTICE TO BE SERVED ON DEFENDER IN SUMMARY APPLICATION WHERE TIME TO PAY DIRECTION MAY BE APPLIED FOR

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

OC Rule 5(6)

IN SUMMARY APPLICATION BY

.....
.....
.....
..... PURSUER DEFENDER

AT **SHERIFF COURT**

Including Address

COURT		DATE OF HEARING
REF NUMBER
..... /
	

THIS SECTION MUST BE COMPLETED BY PURSUER BEFORE SERVICE

Under the Debtors (Scotland) Act 1987

The Act gives you the right to apply to the court for a “time to pay direction” which is an order saying that you can pay any sum of money you are ordered to pay to the pursuer (which may include interest and court expenses) either by way of instalments or deferred lump sum. A deferred lump sum means that you must pay all the amount at one time within a specified period set by the court.

In addition when making a “time to pay direction” the court may recall or restrict an arrestment made on your property by the pursuer in connection with the action or debt (for example your bank account may have been frozen).

HOW TO APPLY FOR A TIME TO PAY DIRECTION WHEN CLAIM ADMITTED AND YOU DO NOT WANT TO DEFEND THE ACTION

1. You may apply for a “time to pay direction” (and where appropriate for recall or restriction of an arrestment) by either

(a) appearing at the hearing—the date of which is given above and asking the court to make a “time to pay direction” (and where appropriate to recall or restrict an arrestment). If you prefer you may ask a solicitor or someone else to appear for you.

OR

(b) Completing and returning to the court at least seven days before the hearing, the application form at pages 3 and 4 of this notice. The address of the court is given above. No court fee is payable when lodging the application.

2. Before completing the application please read carefully the notes overleaf on page 2. In the event of difficulty you may contact the court’s Civil Department at the address above or any Sheriff Clerk’s Office, Citizens Advice Bureau or a Solicitor.

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HOW TO COMPLETE THE APPLICATION

PLEASE WRITE IN INK USING BLOCK CAPITALS

PART A of the application will have been completed in advance by the pursuer and gives details of the pursuer **and you** as the **defender**.

PART B—If you wish to apply to pay by instalments enter the amount and tick the appropriate box at B3(1). If you wish to apply to pay the full sum due in one deferred payment enter the period of deferment you propose at B3(2).

PART C—You should give full details of your financial position in the appropriate boxes.

PART D—If you wish the court when making the “time to pay direction” to recall or restrict an arrestment made in connection with the action then enter the appropriate details about what has been arrested and the place and date of the arrestment at Part D5, and attach Schedule of Arrestment or copy.

Sign the application where indicated and detach pages 3 and 4. Retain the copy initial writ and pages 1 and 2 of this form as you may need them at a later stage. You should ensure that your application arrives at the court at least seven days before the hearing.

WHAT WILL HAPPEN NEXT

If the court makes a “time to pay direction” a copy of the court order for payment (called an extract decree) will be served on you by the pursuer’s solicitor advising when payment should commence or be made.

If the court does not make a “time to pay direction” and makes an order for payment against you an order to pay (called a charge) may be served on you.

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COURT (Ref. No.) 19.....

APPLICATION FOR A TIME TO PAY DIRECTION
Under the Debtors (Scotland) Act 1987

PART A* By
.....
..... **DEFENDER**

*(This section must be completed by pursuer before service)
IN A SUMMARY APPLICATION BY
.....
.....
..... **PURSUER**

PART B

- The applicant is a defender in the action brought by the above named pursuer.
- The defender admits the claim and applies to the court for a "time to pay direction".
- The defender applies (1) To pay by instalments of £

(Tick one box only) EACH WEEK FORTNIGHT MONTH

OR

(2) To pay the sum ordered in one payment within WEEKS/MONTHS

PART C

- The Defender's financial position is:—

(Tick one box only)

My outgoings are:	Weekly	Fortnightly	Monthly	My income is:	Weekly	Fortnightly	Monthly
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rent/Mortgage £				Wages/Pensions £			
Heating £				Social security £			
Food £				Other £			
HP £							
Other £							
Total £				Total £			

Dependants: Children—how many Dependent relatives—how many

Here list all capital (if any) eg value of house; amount in bank/building society account; shares or other investments:

Here list any outstanding debts:

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PART D

5. The defender seeks to recall or restrict an arrestment of which the details are as follows (please state, and attach Schedule of Arrestment or copy):—

6. This application is made under section 1(1) and 2(3) of the Debtors (Scotland) Act 1987.

Therefore the defender asks the court

- | | |
|-----------|---|
| * Delete | *a. to make a “time to pay direction”. |
| what does | *b. to recall the above arrestment. |
| not apply | *c. to restrict the above arrestment (in which case state restriction wanted):— |

(signed)
Defender

Date:—

FORM C2CITATION WHERE TIME TO PAY DIRECTIONS MAY BE APPLIED FOR

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Rule 9(2A)

[A.B.], Pursuer against [C.D.], Defender

Court Ref No

(Place and date) [C.D.], defender. You are hereby served with this copy writ and warrant, together with form B5 and required to answer thereto, conform to the warrant. Form B5 is served on you because it is considered that you may be entitled to apply for a "time to pay direction" (and for the recall or restriction of an arrestment used on the dependence of the action or in security of the debt referred to in the copy writ).

IF YOU WISH TO DEFEND THIS ACTION you must lodge a notice of intention to defend with the sheriff clerk at _____ within the period of notice being _____ days after this date and at the same time present this copy initial writ.

IF YOU ADMIT THE CLAIM AND WISH TO AVOID A COURT ORDER AGAINST YOU, the whole sum claimed including interest and any expenses due should be paid to the pursuer or his solicitor in good time before the expiry of the period of notice.

IF YOU ADMIT THE CLAIM AND WISH TO APPLY FOR A TIME TO PAY DIRECTION, you must complete the enclosed form B5 and return it to the sheriff clerk within the period of notice.

IF YOU DO NOTHING IN ANSWER TO THIS DOCUMENT the court may regard you as admitting the claim made against you and the pursuer may obtain decree against you in your absence.

(Signed)

[P.Q.], Sheriff Officer,

[or [X.Y.] *(add designation and business address)*

Solicitor for Pursuer]

Date:—

FORM HHNOTICE TO ADDITIONAL DEFENDER WHERE A TIME TO PAY DIRECTION MAY BE APPLIED FOR

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 64(1)(c)

To (*designation and address*)

Court Ref No

Take notice that in the action in which [AB] is the pursuer and [CD] is the Defender, your name has, by order of the court dated _____ been added/substituted as a defender to the action; and the action, originally directed against [CD] is directed against you. Copies of the initial writ and defences [*or closed record*] are [*or is*] enclosed. You are also served with form B5.

Form B5 is served on you because it is considered that you may be entitled to apply for time to pay direction (and for the recall or restriction of an arrestment).

IF YOU WISH TO DEFEND THIS ACTION you must lodge defences thereto with the sheriff clerk at _____

within _____ days from the date of service hereof.

IF YOU ADMIT THE CLAIM AND WISH TO APPLY FOR A TIME TO PAY DIRECTION you must complete the enclosed form B5 and return it to the sheriff clerk at _____

within _____ days from the date of service hereof.

IF YOU DO NOTHING IN ANSWER TO THIS DOCUMENT the court may regard you as admitting the claim made against you and the pursuer may proceed and obtain decree against you in your absence.

(Signed)

[P.Q.], Sheriff Officer,

[*or* [X.Y.] (*add designation and business address*)

Solicitor for Pursuer] [*or* Defender]

Date:—

FORM H8SEQUESTRATION FOR RENT—NOTICE INFORMING DEFENDER OF RIGHT TO APPLY FOR CERTAIN ORDERS UNDER THE DEBTORS (SCOTLAND) ACT 1987

Rule 99(2)

Where articles are sequestered for rent you have the right to apply to the sheriff for certain orders under the Debtors (Scotland) Act 1987.

1. You may apply to the sheriff within 14 days from the date articles are sequestered for an order releasing any article on the ground that—

- (a) it is exempt from sequestration for rent. (Articles which are exempt are listed in section 16 of the Debtors (Scotland) Act 1987.); or
- (b) Its inclusion in the sequestration for rent or its subsequent sale is unduly harsh.

2. Where a mobile home, such as a caravan, is your only or principal residence and it has been sequestered for rent you may apply to the sheriff before a warrant to sell is granted for an order that for a specified period no further steps shall be taken in the sequestration.

Any enquiry relating to the above rights should be made to a solicitor, Citizens Advice Bureau or other local advice centre or to the sheriff clerk at (*address*).

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SCHEDULE II

SUMMARY CAUSE RULES FORMS

FORM BbFORM OF NOTICE TO BE SERVED ON DEFENDER WHERE TIME TO PAY DIRECTION MAY BE APPLIED FOR UNDER THE DEBTORS (SCOTLAND) ACT 1987

Rule 17A

1. The Act gives you the right to apply to the court for a “time to pay direction” which is an order saying that you can pay any sum you are ordered to pay to the pursuer either in instalments or by deferred lump sum. A deferred lump sum means that you must pay all the amount at one time within a specified period set by the court.

2. In addition, when making a “time to pay direction” the court may recall or restrict an arrestment made on your property by the pursuer in connection with the action or debt (for example your bank account may have been frozen).

HOW TO APPLY FOR A TIME TO PAY DIRECTION WHEN CLAIM ADMITTED AND YOU DO NOT WANT TO DEFEND THE ACTION

- 1. You may apply for a “time to pay direction” by EITHER
 - (a) attending court on the CALLING DATE and asking the court to make a “time to pay direction”. If you prefer you may ask a solicitor or someone else to appear for you;

OR

- (b) completing page 4 of this form and returning it to the sheriff clerk to arrive at least seven days before the CALLING DATE.

The CALLING DATE is at am.

2. No court fee is payable when making an application for a “time to pay direction” whether you apply by appearing in court or by written application.

3. The court will decide what order is to be made and if a “time to pay direction” is made a copy of the court order (called an extract decree) will be served on you by the pursuer telling you when payment should start or when it is you have to pay the lump sum.

If the Court does not make a “time to pay direction” and makes an order for immediate payment against you, an order to pay (called a charge) may be served on you if you do not pay.

HOW TO COMPLETE THE APPLICATION

- 1. Section A has been completed already. You should complete section B.
- 2.(a) If you wish to apply to pay by instalments put in the amount you are proposing and tick the appropriate box.
 - (b) If you wish to apply to pay the full sum due in one deferred payment enter the period of deferment you propose.
- 3. You should give full details of your financial position in the appropriate boxes.
- 4. If an arrestment has been made in connection with this action and you wish the court when making a “time to pay direction” to recall or restrict the arrestment enter the appropriate details about what has been arrested and the place and date and attach a schedule of arrestment or a copy.
- 5. Sign the application where indicated. Keep pages 1 and 2. Return pages 3 and 4 to the court to arrive at least seven days before the CALLING DATE.

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Sheriff Court (including address) SECTION A This section must be completed before service	<table border="1" style="width: 100%; height: 40px;"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>					<table border="1" style="width: 100%;"> <tr> <td style="padding: 5px;">Summons No</td> </tr> <tr> <td style="padding: 5px;">calling date</td> </tr> </table>	Summons No	calling date			
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SECTION B
APPLICATION IN WRITING FOR A TIME TO PAY DIRECTION UNDER THE DEBTORS (SCOTLAND) ACT 1987

CLAIM ADMITTED—I admit the claim and make application
 (1) To pay by instalments of £.....
 (Tick one box only)
 EACH WEEK FORTNIGHT MONTH
 OR
 (2) To pay the sum ordered in one payment within
 WEEKS/MONTHS
 Signature

TO HELP THE COURT PLEASE PROVIDE DETAILS OF YOUR FINANCIAL POSITION IN THE BOXES BELOW

IF NECESSARY ATTACH A SEPARATE SHEET

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">Weekly</td> <td style="width: 10%; text-align: center;">Fortnightly</td> <td style="width: 10%; text-align: center;">Monthly</td> <td style="width: 30%;"></td> </tr> <tr> <td>My outgoings are:</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Rent/Mortgage</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> <tr> <td>Heating</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> <tr> <td>Food</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> <tr> <td>HP</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> </table>		Weekly	Fortnightly	Monthly		My outgoings are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Rent/Mortgage		£			Heating		£			Food		£			HP		£			Other		£													Total		£			<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">Weekly</td> <td style="width: 10%; text-align: center;">Fortnightly</td> <td style="width: 10%; text-align: center;">Monthly</td> <td style="width: 30%;"></td> </tr> <tr> <td>My income is:</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Wages/Pensions</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> <tr> <td>Social Security</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td></td> <td style="text-align: right;">£</td> <td></td> <td></td> </tr> </table>		Weekly	Fortnightly	Monthly		My income is:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Wages/Pensions		£			Social Security		£			Other		£													Total		£		
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Dependents: Children—how many Dependent relatives—how many

Here list all capital (if any) for example value of house; amount in bank/building society account, shares or other investments:

APPLICATION FOR RECALL OR RESTRICTION OF AN ARRESTMENT

I seek the recall or restriction of the arrestment of which the details are as follows:—

Signature.....

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FORM QFORM OF REPLY TO BE SERVED WITH FORM Aa WHERE TIME TO PAY DIRECTION MAY BE APPLIED FOR

Rule 17A

Pursuer must complete before citation where indicated by**

Sheriff Court ** Case No. **

..... Pursuer against Defender**

INSTRUCTIONS FOR DEFENDER

IMPORTANT

IN ORDER TO REPLY TO THE SERVICE DOCUMENT, you must complete box a, b or c and detach this page and return it to the sheriff clerk of the above court to arrive on or BEFORE THE RETURN DAY which is

..... 19..... **

(1) IF YOU ADMIT THE CLAIM and wish to apply to pay the amount outstanding by instalments or by deferred lump sum you must decide

- (a) whether you want to attend or be represented in court to apply or (b) whether to make a written application.

This is called an application for a "time to pay direction" and is explained further on page 4 of this form.

a. I intend to attend or be represented in court (Signed)

or

b. I do not intend to attend court but admit the claim and wish to make a written application about payment. I have completed the application form on page 4. (Signed) Payments to account must be made direct to the pursuer or his solicitor. Payments must not be sent to the court. Note— If the pursuer does not accept your application the summons will call in court without further notice to you, when an order for payment may be made in such manner as the court decides.

NOTE—If you do not want a court order against you, you should pay the whole sum due with interest and expenses to the pursuer or his solicitor, before the return day (see above).

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(2) IF YOU DENY THE CLAIM OR ANY PART OF IT OR WISH TO CHALLENGE THE JURISDICTION OF THE COURT complete the next box

<p>c. Claim denied or challenge to jurisdiction—NOTICE OF INTENTION TO APPEAR.</p> <p>*1. I intend to defend the action.</p> <p>*2. I intend to dispute the amount of the claim.</p> <p>*3. I intend to challenge the jurisdiction of the Court.</p> <p>Signature</p> <p>*Delete as necessary.</p>

VERY IMPORTANT NOTICE IF YOU ARE INTENDING TO ATTEND COURT

If you have completed box a or c above you must return this form to the court to arrive on or before the RETURN DAY shown above otherwise your case will not call in court. If you have said that you intend to attend court and have duly returned the form by the return day you must attend or be represented at court on the CALLING DATE which is

..... at am**

The address of the court is **
.....

A leaflet "Guide to the Summary Cause in the Sheriff Court" can be obtained from the sheriff clerk. If you wish further advice contact any Citizens Advice Bureau, Consumer Advice Centre, Trading Standards Office or Consumer Protection Department or a solicitor.

<p style="text-align: center;"><i>Under The Debtors (Scotland) Act 1987</i></p> <p>The Act gives you the right to apply to the court for a "time to pay direction" which is an order saying that you can pay any sum you are ordered to pay to the pursuer either in instalments or by deferred lump sum. A deferred lump sum means that you must pay all the amount at one time within a specified period set by the court.</p> <p>In addition when making a "time to pay direction" the court may recall or restrict an arrestment made on your property by the pursuer in connection with the action or debt (for example your bank account may have been frozen).</p> <p>If the court makes a "time to pay direction" a copy of the court order (called an extract decree) will be served on you by the pursuer telling you when payment should start or when it is you have to pay the lump sum.</p> <p>If the court does not make a "time to pay direction" and makes an order for immediate payment against you, an order to pay (called a charge) may be served on you if you do not pay.</p>

APPLICATION IN WRITING FOR A TIME TO PAY DIRECTION*Under the Debtors (Scotland) Act 1987*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

CLAIM ADMITTED—I admit the claim and make application
 (1) To pay by instalments of £.....
 (Tick one box only)
 EACH WEEK FORTNIGHT MONTH
 OR
 (2) To pay the sum ordered in one payment within
 WEEKS/MONTHS
 Signature

TO HELP THE COURT PLEASE PROVIDE DETAILS OF YOUR FINANCIAL POSITION IN THE BOXES BELOW

IF NECESSARY ATTACH A SEPARATE SHEET

My outgoings are:	Weekly	Fortnightly	Monthly		My income is:	Weekly	Fortnightly	Monthly
Rent/Mortgage	£				Wages/Pensions	£		
Heating	£				Social Security	£		
Food	£				Other	£		
HP	£							
Other	£							
Total	£				Total	£		

Dependents: Children—how many Dependent relatives—how many

Here list all capital (if any) for example value of house; amount in bank/building society account, shares or other investments:

APPLICATION FOR RECALL OR RESTRICTION OF AN ARRESTMENT

I seek the recall or restriction of the arrestment of which the details are as follows:—

Signature

FORM RFORM OF REPLY TO BE SERVED WITH FORM Aa WHERE TIME TO PAY DIRECTION MAY NOT BE APPLIED FOR

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 50(4)

NOTE: Pursuer must complete before citation where indicated by**

Sheriff Court**
Case No.**

..... Pursuer against Defender**

Return Day** Calling Date atam**

INSTRUCTIONS TO DEFENDER

1. This is a summons from the pursuer for payment of money by you. The pursuer says you owe him the money claimed on page 1.
2. If you admit that the money is due and you do not want a court order against you you should pay the whole sum claimed with any interest and expenses due, to the pursuer or his solicitor, before the return day (see above).
3. If you say that the court has no jurisdiction in the matter or if you wish to defend the action or to dispute the amount of the claim you must fill in the box below, return this form to the court to arrive on or before the RETURN DAY and must appear or be represented at court on the CALLING DATE.

<p>NOTICE OF INTENTION TO APPEAR</p> <p>Claim denied or challenge to jurisdiction</p> <p>*1. I intend to defend the action. *2. I intend to dispute the amount of the claim. *3. I intend to challenge the jurisdiction of the Court.</p> <p>Signature</p> <p>*Delete as necessary.</p>

4. When you come to court you may do so in person or be represented by a legally qualified person or, at the first calling of the case in court, by some other person having your authority subject to the approval of the court.

PLEASE REMEMBER

5. If you have filled in the box above you must return this form to the court to arrive on or before the return day shown above. If you do not the case will not call in court. If you have returned the form in time you must attend court on the calling date shown above.

The address of the court is**
.....

6. A leaflet "Guide to the Summary Cause in the Sheriff Court" can be obtained from the sheriff clerk. If you wish further advice contact any Citizens Advice Bureau, Consumer Advice Centre, Trading Standards or Consumer Protection Department or a solicitor.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 89(2)

At (*place*), (*date*). In this summary cause summons at the instance of the pursuer(s) (*name*) against the defender(s) (*name*), the Sheriff granted decree against the defender(s) for payment to the pursuer(s) of the sum of £ with interest at the rate of % annually from until payment and £ of expenses; the court under section 1(1) of the Debtors (Scotland) Act 1987 directed that said sums, and interest be payable by instalments of £ per . The first instalment being payable within after intimation of an extract of this decree and continuing thereafter by regular payment of the instalments until the whole of the sums be paid. If the defender allows a sum amounting to not less than the aggregate of 2 instalments to remain unpaid at the date when the next instalment becomes due, or if any sum is outstanding 3 weeks after the date on which the last instalment becomes due, then the right to pay by instalments shall cease; and, in that event, the Sheriff granted warrant for all lawful execution hereon for the whole sums and interest for which decree was granted so far as unpaid.

(Signed)

Sheriff Clerk

(Date of Extract Decree)

FORM U2AEXTRACT DECREE FOR PAYMENT BY LUMP SUM—TIME TO PAY DIRECTION

Rule 89(2)

At (*place*), (*date*). In this summary cause summons at the instance of the pursuer(s) (*name*) against the defender(s) (*name*), the Sheriff granted decree against the defender(s) for payment to the pursuer(s) of the sum of £ with interest at the rate of % annually from until payment and £ of expenses; the court under section 1(1) of the Debtors (Scotland) Act 1987 directed that the sums, and interest, be payable within from the date of intimation of an extract of this decree. If any sum payable remains unpaid 24 hours after the end of the period specified in this extract, the right to pay by a lump sum shall cease to have effect; and in that event, the Sheriff granted warrant for all lawful execution hereon for the whole sums and interest for which decree was granted so far as unpaid.

(Signed)

Sheriff Clerk

(Date of Extract Decree)

FORM WSEQUESTRIAN FOR RENT—NOTICE INFORMING DEFENDER OF RIGHT TO APPLY FOR CERTAIN ORDERS UNDER THE DEBTORS (SCOTLAND) ACT 1987

Where articles are sequestrated for rent you have the right to apply to the sheriff for certain orders under the Debtors (Scotland) Act 1987.

1. You may apply to the sheriff within 14 days from the date articles are sequestrated for an order releasing any article on the ground that:

- (a) it is exempt from sequestration for rent. (Articles which are exempt are listed in section 16 of the Debtors (Scotland) Act 1987.); or
- (b) its inclusion in the sequestration for rent or its subsequent sale is unduly harsh.

2. Where a mobile home, such as a caravan, is your only or principal residence and it has been sequestrated for rent you may apply to the sheriff before a warrant to sell is granted for an order that for a specified period no further steps shall be taken in the sequestration.

Any enquiry relating to the above rights should be made to a solicitor, Citizens Advice Bureau or other local advice centre or to the sheriff clerk at (*address*).