

2001 No. 408

ENFORCEMENT

DILIGENCE

**The Diligence against Earnings (Variation) (Scotland)
Regulations 2001**

<i>Made</i>	<i>7th November 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>8th November 2001</i>
<i>Coming into force</i>	<i>3rd December 2001</i>

The Scottish Ministers, in exercise of the powers conferred by sections 49(7)(a), 53(3) and 63(6) of the Debtors (Scotland) Act 1987(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Diligence against Earnings (Variation) (Scotland) Regulations 2001 and shall come into force on 3rd December 2001.

Rate of deductions in diligence against earnings

2. In each of sections 53(2)(b) and 63(4)(b) of the Debtors (Scotland) Act 1987 (which make provision as respects the sum to be deducted from earnings by an employer in certain cases), for “£9”(b) there shall be substituted “£10”.

3. For Tables A, B and C of Schedule 2 to that Act (which sets out the deductions to be made under earnings arremstments)(c), there shall be substituted respectively Tables A, B and C set out in the Schedule to these Regulations.

JAMES WALLACE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
7th November 2001

(a) 1987 c.18. The functions of the Lord Advocate were transferred to the Secretary of State by virtue of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), and to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) Substituted by S.I. 1995/2878.

(c) Substituted by S.I. 1995/2878.

SCHEDULE

TABLE A: DEDUCTIONS FROM WEEKLY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £70	Nil
Exceeding £70 but not exceeding £105	£3
Exceeding £105 but not exceeding £115	£5
Exceeding £115 but not exceeding £125	£8
Exceeding £125 but not exceeding £135	£11
Exceeding £135 but not exceeding £150	£13
Exceeding £150 but not exceeding £165	£16
Exceeding £165 but not exceeding £180	£19
Exceeding £180 but not exceeding £195	£21
Exceeding £195 but not exceeding £210	£24
Exceeding £210 but not exceeding £225	£27
Exceeding £225 but not exceeding £240	£29
Exceeding £240 but not exceeding £255	£32
Exceeding £255 but not exceeding £270	£35
Exceeding £270 but not exceeding £290	£40
Exceeding £290 but not exceeding £310	£46
Exceeding £310 but not exceeding £335	£51
Exceeding £335 but not exceeding £360	£56
Exceeding £360 but not exceeding £385	£62
Exceeding £385 but not exceeding £410	£70
Exceeding £410 but not exceeding £440	£78
Exceeding £440 but not exceeding £470	£86
Exceeding £470 but not exceeding £500	£94
Exceeding £500 but not exceeding £535	£102
Exceeding £535 but not exceeding £575	£123
Exceeding £575 but not exceeding £620	£145
Exceeding £620 but not exceeding £675	£169
Exceeding £675 but not exceeding £740	£196
Exceeding £740 but not exceeding £805	£223
Exceeding £805	£223 in respect of the first £805 plus 50 per cent of the remainder

TABLE B: DEDUCTIONS FROM MONTHLY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £304	Nil
Exceeding £304 but not exceeding £410	£13
Exceeding £410 but not exceeding £460	£21
Exceeding £460 but not exceeding £510	£29
Exceeding £510 but not exceeding £560	£38
Exceeding £560 but not exceeding £610	£48
Exceeding £610 but not exceeding £660	£59
Exceeding £660 but not exceeding £710	£70
Exceeding £710 but not exceeding £760	£80
Exceeding £760 but not exceeding £820	£91
Exceeding £820 but not exceeding £880	£102
Exceeding £880 but not exceeding £940	£113
Exceeding £940 but not exceeding £1,000	£123
Exceeding £1,000 but not exceeding £1,070	£134
Exceeding £1,070 but not exceeding £1,150	£155
Exceeding £1,150 but not exceeding £1,240	£177
Exceeding £1,240 but not exceeding £1,340	£198
Exceeding £1,340 but not exceeding £1,440	£220

<i>Net Earnings</i>	<i>Deduction</i>
Exceeding £1,440 but not exceeding £1,550	£241
Exceeding £1,550 but not exceeding £1,660	£263
Exceeding £1,660 but not exceeding £1,780	£292
Exceeding £1,780 but not exceeding £1,900	£324
Exceeding £1,900 but not exceeding £2,020	£357
Exceeding £2,020 but not exceeding £2,140	£389
Exceeding £2,140 but not exceeding £2,400	£483
Exceeding £2,400 but not exceeding £2,660	£590
Exceeding £2,660 but not exceeding £2,930	£702
Exceeding £2,930 but not exceeding £3,205	£836
Exceeding £3,205 but not exceeding £3,485	£970
Exceeding £3,485	£970 in respect of the first £3,485 plus 50 per cent of the remainder

TABLE C: DEDUCTIONS BASED ON DAILY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £10	Nil
Exceeding £10 but not exceeding £14	£0.40
Exceeding £14 but not exceeding £17	£0.80
Exceeding £17 but not exceeding £19	£1.20
Exceeding £19 but not exceeding £21	£1.60
Exceeding £21 but not exceeding £24	£2.70
Exceeding £24 but not exceeding £27	£3.20
Exceeding £27 but not exceeding £30	£3.70
Exceeding £30 but not exceeding £33	£4.20
Exceeding £33 but not exceeding £36	£4.70
Exceeding £36 but not exceeding £40	£5.20
Exceeding £40 but not exceeding £44	£6.30
Exceeding £44 but not exceeding £48	£7.10
Exceeding £48 but not exceeding £53	£8.40
Exceeding £53 but not exceeding £58	£9.80
Exceeding £58 but not exceeding £64	£11.50
Exceeding £64 but not exceeding £70	£13.50
Exceeding £70 but not exceeding £77	£16.00
Exceeding £77 but not exceeding £85	£18.50
Exceeding £85 but not exceeding £94	£22.50
Exceeding £94 but not exceeding £103	£26.50
Exceeding £103 but not exceeding £113	£30.50
Exceeding £113	£30.50 in respect of the first £113 plus 50 per cent of the remainder

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations—

- (a) vary a figure used in the calculation of deductions made from a person's pay when that pay is subject to a current maintenance or conjoined arrestment (the figure is increased from £9 to £10) as set out in the Debtors (Scotland) Act 1987 ("the 1987 Act"); and
- (b) substitute new tables for those in Schedule 2 to the 1987 Act which set out the deductions made from a person's pay when that pay is subject to an earnings arrestment.

The new figures reflect the increase in the Average Earnings Index since the tables were drawn up in 1985 and broadly restore the level of deductions in real terms to that applicable at the passing of the 1987 Act.

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