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SCHEDULE 5

Paragraph 6(5)

Form 9b Form of schedule of arrestment on the dependence **SCHEDULE OF ARRESTMENT ON THE DEPENDENCE**

Rule 7.A8

Date: *(date of execution)*

Time: *(time arrestment executed)*

To: *(name and address of arrestee)*

IN HER MAJESTY'S NAME AND AUTHORITY AND IN NAME AND AUTHORITY OF THE SHERIFF, I, *(name)*, Sheriff Officer, by virtue of:

- a summons containing warrant which has been granted for arrestment on the dependence of the action at the instance of *(name and address of pursuer)* against *(name and address of defender)* and dated *(date)*;
- a counterclaim containing a warrant which has been granted for arrestment on the dependence of the claim by *(name and address of creditor)* against *(name and address of debtor)* and dated *(date of warrant)*;
- an order of the Sheriff at *(place)* dated *(date of order)* granting warrant [for arrestment on the dependence of the action raised at the instance of *(name and address of pursuer)* against *(name and address of defender)*] [or for arrestment on the dependence of the claim in the counterclaim by *(name and address of creditor)* against *(name and address of debtor)*],

arrest in your hands (i) the sum of *(amount)*, in excess of the Protected Minimum Balance, where applicable (see Note 1), more or less, due by you to *(defender's name)* [or *(name and address of common debtor if common debtor is not the defender)*] or to any other person on his [or her] [or its] [or their] behalf; and (ii) all moveable things in your hands belonging or pertaining to the said *(name of common debtor)*, to remain in your hands under arrestment until they are made forthcoming to *(name of pursuer)* [or *(name and address of creditor if he is not the pursuer)*] or until further order of the court.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

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1. This Schedule arrests in your hands (i) funds due by you to (*name of common debtor*) and (ii) goods or other moveables held by you for him. You should not pay any funds to him or hand over any goods or other moveables to him without taking legal advice.
2. This Schedule may be used to arrest a ship or cargo. If it is, you should consult your legal adviser about the effect of it.
3. The Protected Minimum Balance is the sum referred to in section 73U(4) of the Debtors (Scotland) Act 1987. This sum is currently set at [*insert current sum*]. The Protected Minimum Balance applies where the arrestment attaches funds standing to the credit of a debtor in an account held by a bank or other financial institution and the debtor is an individual. The Protected Minimum Balance does not apply where the account is held in the name of a company, a limited liability partnership, a partnership or an unincorporated association or where the account is operated by the debtor as a trading account.
4. Under section 73G of the Debtors (Scotland) Act 1987 you must also, within the period of 3 weeks beginning with the day on which the arrestment is executed, disclose to the creditor the nature and value of the funds and/or moveable property which have been attached. This disclosure must be in the form set out in Schedule 3 to the Diligence (Scotland) Regulations 2009. Failure to comply may lead to a financial penalty under section 73G of the Debtors (Scotland) Act 1987 and may also be dealt with as a contempt of court. You must, at the same time, send a copy of the disclosure to the debtor and to any person known to you who owns (or claims to own) attached property and to any person to whom attached funds are (or are claimed to be) due, solely or in common with the debtor.

IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR

Form 9cForm of certificate of execution of arrestment on the dependence**CERTIFICATE OF EXECUTION**

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Rule 6.A8

I, *(name)*, Sheriff Officer, certify that I executed an arrestment on the dependence, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* obtained at the instance of *(name and address of party arresting)* against *(name and address of defender)* on *(name of arrestee)*—

* by delivering the schedule of arrestment to *(name of arrestee or other person)* at *(place)* personally on *(date)*.

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment in *(place)* on *(date)*. *(Specify that enquiry made and reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment with *(name and occupation of person with whom left)* at *(place of business)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by leaving the schedule of arrestment at *(registered office)* on *(date)*, in the hands of *(name of person)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by depositing the schedule of arrestment at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

* by affixing the schedule of arrestment to the door at *(registered office)* on *(date)* [and by posting a copy of the schedule to the arrestee by registered post or first class recorded delivery to the address specified on the receipt annexed to this certificate].

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

(Witness)

^aDelete where not applicable

NOTE

A copy of the Schedule of arrestment on the dependence is to be attached to this certificate