



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART I **S**

EXTENSION OF TIME TO PAY DEBTS

Time to pay directions on granting decree

3 Variation and recall of time to pay direction and arrestment. **S**

- (1) The court which granted a decree^[F1], or the First-tier Tribunal, where it has made an order,] containing a time to pay direction may, on an application by the debtor or the creditor—
 - (a) vary or recall the direction if it is satisfied that it is reasonable ^[F2]in all the circumstances] to do so; or
 - (b) if ^[F3]an interim attachment or] an arrestment in respect of the debt concerned is in effect, recall or restrict the ^[F4]interim attachment or] arrestment.
- (2) If ^[F5]an interim attachment or] an arrestment in respect of the debt concerned is in effect, the court ^[F6]or the First-tier Tribunal] may order that any variation, recall or restriction under subsection (1) above shall be subject to the fulfilment by the debtor of such conditions as the court ^[F6]or the First-tier Tribunal] thinks fit.
- (3) The clerk of court^[F7], sheriff clerk or, in relation to time to pay directions made by the First-tier Tribunal, a member of administration staff of the First-tier Tribunal] shall as soon as is reasonably practicable intimate a variation under subsection (1) above to the debtor and to the creditor, and the variation shall come into effect on the date of such intimation.

Textual Amendments

- F1** Words in s. 3(1) inserted (6.3.2019) by [The First-tier Tribunal for Scotland Housing and Property Chamber \(Incidental Provisions\) Regulations 2019 \(S.S.I. 2019/51\)](#), regs. 1, **2(4)(a)**
- F2** Words in s. 3(1)(a) inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), **sch. 5 para. 16(3)(a)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10,

Changes to legislation: *Debtors (Scotland) Act 1987, Section 3 is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)
- F3** Words in s. 3(1)(b) inserted (1.4.2008) by *Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)*, s. 227(3), **sch. 5 para. 16(3)(b)(i)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)
- F4** Words in s. 3(1)(b) inserted (1.4.2008) by *Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)*, s. 227(3), **sch. 5 para. 16(3)(b)(ii)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)
- F5** Words in s. 3(2) inserted (1.4.2008) by *Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)*, s. 227(3), **sch. 5 para. 16(3)(c)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)
- F6** Words in s. 3(2) inserted (6.3.2019) by *The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51)*, regs. 1, **2(4)(b)**
- F7** Words in s. 3(3) substituted (6.3.2019) by *The First-tier Tribunal for Scotland Housing and Property Chamber (Incidental Provisions) Regulations 2019 (S.S.I. 2019/51)*, regs. 1, **2(4)(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1)(d)(e) substituted for s. 8(1)(d) by [2007 asp 3 Sch. 5 para. 16\(7\)\(a\)\(v\)](#)
- s. 15F(3)(d) and word inserted by [2024 asp 9 s. 17\(2\)\(a\)\(ii\)](#)
- s. 15F(8) inserted by [2024 asp 9 s. 17\(2\)\(b\)](#)
- s. 15K(5A)(5B) inserted by [2024 asp 9 s. 17\(3\)\(a\)](#)
- s. 70(3)-(3D) substituted for s. 70(3) by [2024 asp 9 s. 16\(2\)\(a\)](#)
- s. 70A(1A)(2) substituted for s. 70A(2) by [2024 asp 9 s. 16\(3\)\(b\)](#)
- s. 70A(5A) inserted by [2024 asp 9 s. 16\(3\)\(f\)](#)
- s. 70A(7) inserted by [2024 asp 9 s. 16\(3\)\(h\)](#)
- s. 70B(A1) inserted by [2024 asp 9 s. 16\(4\)\(a\)](#)
- s. 70B(1)(b)(i)(ii) and words substituted for words by [2024 asp 9 s. 16\(4\)\(b\)](#)
- s. 70B(4) inserted by [2024 asp 9 s. 16\(4\)\(e\)](#)
- s. 73G(4)(c) inserted by [2024 asp 9 s. 14\(3\)\(b\)](#)
- s. 73H(5) inserted by [2024 asp 9 s. 14\(4\)\(b\)](#)
- s. 73U inserted by [2024 asp 9 s. 15\(5\)](#)
- s. 73CA inserted by [2024 asp 9 s. 14\(2\)](#)