



Debtors (Scotland) Act 1987

1987 CHAPTER 18

^{F1}[^{F1}PART 3A

ARRESTMENT AND ACTION OF FURTHCOMING

^{F1}73Q Application for release of property where arrestment unduly harsh

- (1) This section applies where—
 - (a) a creditor—
 - (i) obtains final decree in an action on the dependence of which the creditor executed an arrestment; or
 - (ii) arrests in execution of a decree or document of debt; and
 - (b) the arrestment attaches funds due to or other moveable property of the debtor.
- (2) The debtor may apply to the sheriff for an order—
 - (a) providing that the arrestment ceases to have effect in relation to—
 - (i) the funds or other property attached; or
 - (ii) so much of those funds or that property as the sheriff specifies; and
 - (b) requiring the arrestee to release the funds or property to the debtor.
- (3) An application under subsection (2) above shall be—
 - (a) in (or as nearly as may be in) the form prescribed by Act of Sederunt;
 - (b) made at any time during which the arrestment has effect; and
 - (c) intimated to—
 - (i) the creditor;
 - (ii) the arrestee; and
 - (iii) any other person appearing to have an interest.]

Textual Amendments

- F1** Pt. 3A inserted (1.4.2008 for the insertion of ss. 73A(5), 73B(2), 73C(2), 73E(3), 73F(6), 73G(2), 73H(1)(2), 73M(2)(a), 73Q(3)(a), 73S(1)(2) for specified purposes and for the insertion of s. 73A(2),

Changes to legislation: *Debtors (Scotland) Act 1987, Section 73Q is up to date with all changes known to be in force on or before 24 May 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*

22.4.2009 otherwise except for the insertion of s. 73D) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 206, 227(3)** (with s. 223); S.S.I. 2008/115, art. 3(1)(e)(4), sch. 3 (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); S.S.I. 2009/67, art. 3(1)(b) (with arts. 4-6) (as amended (31.1.2011) by S.S.I. 2011/31, art. 5(b))

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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\(7\)\(a\)\(v\)](#)