



Debtors (Scotland) Act 1987

1987 CHAPTER 18

PART I

EXTENSION OF TIME TO PAY DEBTS

Time to pay orders following charge or diligence

8 Effect of interim order on diligence

- (1) While an interim order under section 6(3) of this Act is in effect it shall not be competent in respect of the debt—
 - (a) to grant a warrant of sale of articles which, before or after the making of the interim order, have been poinded, and any application for such warrant of sale (other than an application for an order under section 21 (1)(b) of this Act) which is pending when the interim order comes into effect shall fall;
 - (b) to execute an earnings arrestment;
 - (c) where an arrestment of property belonging to the debtor (other than an arrestment of earnings in the hands of his employer) has been executed before or after the making of the interim order, to commence an action of furthcoming or sale, or to grant decree in any such action which has already been commenced, in pursuance of that arrestment;
 - (d) to commence an action of adjudication for debt or, if such an action has already been commenced, to take any steps other than the registration of a notice of litigiosity in connection with the action, the obtaining and extracting of a decree in the action, the registration of an abbreviate of adjudication and the completion of title to property adjudged by the decree.
- (2) An interim order under section 6(3) of this Act shall come into effect on intimation to the creditor under section 6(6)(b) of this Act and shall remain in effect until intimation of the sheriffs decision on the application for a time to pay order is made to the debtor and the creditor under section 7(4)(a) of this Act.

Status: This is the original version (as it was originally enacted).

- (3) For the purposes of section 27 of this Act, the period during which such an interim order is in effect shall be disregarded in calculating the period during which a poinding to which the interim order applies remains in effect.