

*Status: Point in time view as at 06/04/2009.*

**Changes to legislation:** *Child Support Act 1991, Cross Heading: The Debtors (Scotland) Act 1987 (c.18) is up to date with all changes known to be in force on or before 14 July 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)*

## SCHEDULES

### SCHEDULE 5

#### CONSEQUENTIAL AMENDMENTS

##### *The Debtors (Scotland) Act 1987 (c.18)*

- 8 (1) The Debtors (Scotland) Act 1987 shall be amended as follows.
- (2) In section 1(5) (time to pay directions not competent in certain cases) after paragraph (c) there shall be inserted—
- “(cc) in connection with a liability order within the meaning of the Child Support Act 1991;”.
- (3) In section 15(3) (interpretation of Part I), in the definition of “decree or other document”, after “maintenance order” there shall be inserted “, a liability order within the meaning of the Child Support Act 1991”.
- (4) In section 54(1) (maintenance arrestment to be preceded by default) in paragraph (c) for “the aggregate of 3 instalments” there shall be substituted “one instalment”.
- (5) In section 72 (effect of sequestration on diligence against earnings)—
- (a) in subsection (2) after “order” there shall be inserted “or deduction from earnings order under the Child Support Act 1991”;
- (b) after subsection (3) there shall be inserted—
- “(3A) Any sum deducted by the employer under such a deduction from earnings order made before the date of sequestration shall be paid to the Secretary of State, notwithstanding that the date of payment will be after the date of sequestration.”;
- (c) after subsection (4) there shall be inserted—
- “(4A) A deduction from earnings order under the said Act shall not be competent after the date of sequestration to secure the payment of any amount due by the debtor under a [F1maintenance calculation] within the meaning of that Act in respect of which a claim could be made in the sequestration.”.
- (6) In section 73(1) (interpretation of Part III), in the definition of “net earnings”,
- (a) in paragraph (c) for “within the meaning of the Wages Councils Act 1979” there shall be substituted “, namely any enactment, rules, deed or other instrument providing for the payment of annuities or lump sums—
- (i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or
- (ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise,

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- whether with or without any further or other benefit; ”; and
- (b) at the end there shall be added—
- “(d) any amount deductible by virtue of a deduction from earnings order which, in terms of regulations made under section 32(4)(c) of the Child Support Act 1991, is to have priority over diligences against earnings.”
- (7) In section 106 (interpretation) in the definition of “maintenance order”—
- (a) the word “or” where it appears after paragraph (g), shall be omitted; and
- (b) at the end there shall be inserted “or
- (j) a [<sup>F1</sup>maintenance calculation] within the meaning of the Child Support Act 1991.”.

#### Textual Amendments

- F1** Words in Act substituted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), ss. 1(2)(a), 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2003/192, art. 3, Sch.

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