

SCHEDULE

FORMS

ARRANGEMENT OF FORMS

EXTENSION OF TIME TO PAY AND RELATED MATTERS

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FORM 1 *The Debtors (Scotland) Act 1987, Section 3*

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Rule 4(1)

Sheriff Court

..... 19.....
(Court Ref No)

APPLICATION FOR
VARIATION OR RECALL
OF A TIME TO PAY DIRECTION
AND ARRESTMENT

BY
.....
.....
..... Applicant

against

*delete as
appropriate

.....
.....
.....
..... Respondent

The sheriff on 19 granted an order for payment by the defender to the pursuer of the sum of £ along with expenses amounting to £ and interest and made a time to pay direction directing that the total sum ordered be paid by

- *(a) Instalments of £ each which started on 19 .
- *(b) A deferred lump sum which became payable by 19 .

To the best of the applicant's knowledge and belief the amount which remains outstanding under the said direction at the date of this application is £

The applicant who is the defender/pursuer wishes the time to pay direction recalled or varied as follows (please give details including reasons for application):-
.....
.....
.....

or

seeks to have recalled or restricted an arrestment made on (give details)
19 at in respect of

Therefore the applicant asks the court:

- *(a) To recall or vary the time to pay direction as sought.
- *(b) To recall/restrict the arrestment referred to.

Date 19.....

(signed)
Applicant

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Rule 5(1)

Sheriff Court

..... 19.....
(Court Ref No)

PART A

APPLICATION FOR
TIME TO PAY ORDER

BY
.....
..... Applicant

PERSON TO WHOM DEBT DUE
.....
.....
..... Creditor

PART B

*(a) The applicant is the defender in an action raised in this Sheriff Court/Court of Session by the creditor in which decree was granted on 19 for £ ;

*delete as appropriate

OR

*(b) The debt due by the applicant is payable under a document bearing a warrant for diligence (give details of this document):-

The applicant states that to the best of his knowledge and belief that no time to pay direction or order relating to the debt has been made and that at the date of this application the amount outstanding is £ (this figure should take account of interest, court expenses and any payments made to account).

The applicant states that the following steps have been taken in respect of the debt, namely

- *(a) A charge for payment has been served on the applicant;
- *(b) An arrestment has been carried out;
- *(c) An action for adjudication of debt has been commenced.

PART C

The applicant offers to pay the outstanding amount

*(a) By instalments of £ each
(Tick one box only) Week Fortnight Month

OR

*(b) In one payment within Weeks/Months

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The applicant's financial position is:-

| | Weekly | Fortnightly | Monthly |
|-------------------|----------------------|----------------------|----------------------|
| My outgoings are: | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Rent/Mortgage | £ | | |
| Heating | £ | | |
| Food | £ | | |
| HP | £ | | |
| Other | £ | | |

| | Weekly | Fortnightly | Monthly |
|-----------------|----------------------|----------------------|----------------------|
| My income is: | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Wages/Pensions | £ | | |
| Social Security | £ | | |
| Other | £ | | |

Total **£**

Total **£**

Dependents: Children-how many

Dependent relatives-how many

Here list all capital (if any) eg value of house; amount in bank/building society account; shares or other investments:-

Here list any outstanding debts:-

Here specify any action taken by creditor to enforce the debt (eg *arrestment; poinding; etc*):-

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The applicant asks the court–

1. To make a “time to pay order”
- *2. To make an order recalling the following pouding (*give details*):–

- *3. To recall or restrict the following arrestment(s) (*give details*):–

*delete as appropriate

OR

- *4. To order that no further steps shall be taken by the creditor in the diligence concerned other than in the case of a pouding, applying for an order under section 21(1) of Debtors (Scotland) Act 1987 or making a report of the execution of the pouding under section 22 of that Act.

Date

19

(Signed)
Applicant

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EXTRACT FROM SECTION 5(4) AND (5) OF THE DEBTORS (SCOTLAND) ACT 1987

- “(4) It shall not be competent for the sheriff to make a time to pay order:–
- (a) where the amount of the debt outstanding at the date of the making of the application under subsection (2) above (exclusive of any interest) exceeds £10,000 or such amount as may be prescribed in regulations made by the Lord Advocate;
 - (b) where, in relation to the debt, a time to pay direction or a time to pay order has previously been made (whether such direction or order is in effect or not);
 - (c) where, in relation to the debt, a summary warrant has been granted;
 - (d) in relation to a debt including any sum recoverable by or on behalf of the Inland Revenue in respect of tax or as if it were tax;
 - (e) in relation to a debt including rates payable to a rating authority;
 - (ee) in relation to a debt including any sum due to–
 - (i) a levying authority in respect of any community charge or community water charge within the meaning of section 26 of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (which defines terms used in that Act) or any amount payable under section 18(3) (payment of community charges in respect of backdated period, with surcharge and interest) of that Act; or
 - (ii) a regional or islands council in respect of any amount payable as a civil penalty under section 17(10) or (11) (failure to provide information to a registration officer) of that Act; or
 - (f) in relation to a debt including–
 - (i) any duty due under the Betting and Gaming Duties Act 1981;
 - (ii) car tax due under the Car Tax Act 1983; or
 - (iii) value added tax due under the Value Added Tax Act 1983 or any sum recoverable as if it were value added tax.
- (5) Where in respect of a debt to which this section applies:–
- (a) there has been a pouncing of articles belonging to the debtor and a warrant of sale has been granted in respect of them but has not been executed;
 - (b) moveable property of the debtor has been arrested and in respect of the arrested property–
 - (i) a decree in an action of forthcoming has been granted but has not been enforced; or
 - (ii) a warrant of sale has been granted but the warrant has not been executed; or
 - (c) a decree in an action of adjudication for debt has been granted and the creditor has, with the debtor’s consent or acquiescence, entered into possession of any property adjudged by the decree or has obtained a decree of mails and duties, or a decree of removing or ejection, in relation to any such property,

it shall not be competent for the sheriff to make a time to pay order in respect of that debt until the diligence has been completed or has otherwise ceased to have effect.”.

The Sheriff having considered the foregoing application and being satisfied that it is properly made, meantime sists all diligence in terms of section 8(1) of the Debtors (Scotland) Act 1987 pending the disposal of the application.

Appoints the creditor to furnish the Sheriff with particulars of the decree or other document under which the debt is payable within _____ days of intimation hereof.

Appoints the sheriff clerk to intimate a copy of the application and this interlocutor to the creditor; appoints him if he objects to the granting of this application to make written representations to the court within 14 days of the date of intimation hereof.

Sheriff

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 6(1)

Sheriff Court

.....
(Court Ref No)

APPLICATION FOR VARIATION
OR RECALL OF A TIME TO PAY
ORDER, ARRESTMENT AND
POINDING

BY
.....
.....
..... Applicant

Against

.....
.....
.....
..... Respondent

*delete as appropriate

- 1. *(a) On *(date)* decree was granted in this Sheriff Court/Court of Session for payment by the defender to the pursuer of the sum of £ along with expenses of £ and interest.
- *(b) The debt due by the applicant/respondent is payable under a document bearing a warrant for diligence (*give details of this document*):-

- 2. The sheriff on *(date)* made a time to pay order, that the debt outstanding amounting to £ be paid:-
 - *(a) By instalments of £ each which started on
 - *(b) As a lump sum which became payable by

To the best of the applicants knowledge and belief the amount which remains outstanding under the said order at the time of this application is £ .

- 3. The applicant who is the debtor/creditor:-
 - *(a) Wishes the time to pay order recalled or varied as follows (*specify order sought*):-
 - *(b) Seeks the recall or restriction of an arrestment (*give details of arrestment served, person on whom served, and date, and specify order sought*):-
 - *(c) Seeks the recall of the poinding carried out on the instructions of the creditor at (*place of poinding*) on (*date of poinding*).

Give reasons for this application:-

- 4. The applicant asks the court:-
 - *1. To recall or vary the time to pay order as requested.
 - *2. To recall or restrict the arrestment referred to.
 - *3. To recall the poinding referred to .
 - *4. (*Specify any other order sought and the diligence to which it relates*).
.....

Date

Signed.....
Applicant

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FORM 4 *The Debtors (Scotland) Act 1987, Section 16(4)/Schedule 5, Paragraph 1(4)*

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Rule 8(1)

Sheriff Court

APPLICATION FOR
RELEASE OF POINDED
ARTICLE

(1) []
[]
[]

..... 19.....
(Court ref No)
APPLICANT

*delete as appropriate

A. The applicant is
*(a) The debtor
*(b) The person claiming ownership in common with the debtor
*(c) A person having possession of the pointed article(s)

(1) Insert name and address

B. Other persons having an interest are
*(d) The creditor (1)
*(e) The debtor (1)
*(f) (Other) person(s) claiming ownership in common with the debtor (1)
*(g) A person having possession to the pointed article(s) (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)
in the Court of Session/Sheriff Court at
on 19
against the defender(s) (2)
(or give details of other document or summary warrant upon which the pointing proceeded):-

(3) Insert address

D. A pointing of the debtor's belongings was carried out by (1)
Sheriff Officer/Messenger-at-Arms on the instructions of the creditor
on 19 at (3)

E. Among the articles pointed were the following:-
The(se) article(s) is/are exempt from pointing. *(Give reasons for claiming exemption):-*

This application is made under section 16(4) of the Debtors (Scotland) Act 1987/paragraph 1(4) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant to those persons stated above as having an interest and to the officer of court who carried out the pointing.
 3. To order that said article(s) be released from the pointing on the ground that they are exempt.
 4. To award expenses (if competent).

Date 19..... (Signed)
Applicant

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

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FORM 5 *The Debtors (Scotland) Act 1987, *Section 20 (5)/Schedule 5 Paragraph 5(5)*

Rule 11

Poinding Schedule

To *(name and address of debtor)*

*delete as appropriate

On *(date)* a decree was granted in the *Sheriff Court, *(place)*/*Court of Session in an action by *(name and address)*

against *(name and address)*

Pursuer(s)
Defender(s)

(or give details of other document or summary warrant upon which the poinding proceeds)

*in which you were ordered to pay *(specify amounts)* to the said *(name of creditor)*
*On *(date)* a charge for payment of these sums (under deduction of £ _____ paid to account since the date of the decree) was served on you.

I, *(name and address)*, *messenger-at-arms/*sheriff officer on the instructions of the said *(name of creditor)* point at *(address)* the articles belonging to you specified in the list attached.

The sum now due by you is

| | | |
|--|---------|---|
| Principal sum | £ | (Further interest may accrue if the debt is not paid immediately) |
| Interest to date | £ | |
| Expenses or other sum <i>(specify)</i> | £ | |
| Less paid to account | £ _____ | |
| Charge Fee | £ | |
| Poinding Fee | £ | |
| Other Fee <i>(specify)</i> | £ | |
| Travelling | £ | |
| Other Outlays <i>(specify)</i> | £ _____ | |
| TOTAL | _____ | |

If this sum is not paid *an application will be made to the sheriff for a warrant to sell the pointed articles/*arrangements will be made for the sale of the pointed articles.

Payment should be made to *(name and address)*.

*delete as appropriate

*I am removing the pointed articles to *(address of premises)* because *(officer of court to specify reasons for removal)*.

You may move the pointed articles to another location only if the creditor or the officer of court has consented in writing to this or the sheriff has authorised their removal.

This poinding is carried out by me today *(date)* and is witnessed by *(name and address)*.

I *deliver/*leave this poinding schedule *to/*for you *(name)* today at *(address)*.

WITNESS

OFFICER OF COURT

WARNING: Any unauthorised removal of the pointed articles or any wilful damage or destruction of them by the debtor or persons who know the articles have been pointed shall be a breach of poinding and may be dealt with as a contempt of court.

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LIST SPECIFYING POINDED EFFECTS

ARTICLE(S) POINDED

VALUE FIXED

WITNESS

OFFICER OF COURT

YOUR RIGHTS UNDER THE DEBTORS (SCOTLAND) ACT 1987

To (a) the debtor, (b) any person who owns any poinded article in common with the debtor, (c) any person who is in possession of any poinded article, (d) any person whose only or principal residence has been poinded.

- (1) *The debtor, any person who owns any poinded article in common with the debtor and any person in possession of a poinded article* may apply to the sheriff within fourteen days from the date of the poinding for an order releasing the article on the ground that it is exempt from poinding. Articles which are exempt are listed in *section 16 of the Act/*paragraph 1 of schedule 5 to the Act.
- (2) *The debtor* may at any time after the poinding apply to the sheriff for an order for the security of any of the poinded articles or where they are perishable or likely to diminish in value for their immediate disposal.
- (3) *The debtor* may redeem any poinded article by paying the officer of court who carried out the poinding the amount fixed by him for the article at the poinding and stated in the poinding schedule. Payment must be made within 14 days from the date of the poinding. This right is subject to the power of the Sheriff to order immediate disposal of poinded articles in certain circumstances.
- (4) *The debtor or any person in possession of a poinded article* may apply to the sheriff within fourteen days from the date of the poinding for an order releasing the article on the ground that its inclusion in the poinding or its subsequent sale is unduly harsh.
- (5) *The debtor* may apply to the sheriff on certain grounds stated in the Debtors (Scotland) Act 1987 for an order recalling the poinding or declaring that it is invalid or has ceased to have effect.
- (6) Where a mobile home, such as a caravan, is the residence of the debtor or another person and it has been poinded, an application may be made by such person to the sheriff for an order that for a specified period no further steps shall be taken in the poinding.
- (7) *Any person claiming to own any poinded article in common with the debtor* may at any time after the poinding and before *the warrant sale/*sale of the poinded articles apply to the officer of court for its release from poinding on payment to him of a sum equal to the value of the debtor's interest in the article.

In addition an application may be made to the sheriff within the same period for the release of the article from poinding. The sheriff will release the article if he is satisfied that it is owned in common and either the applicant undertakes to pay to the officer of court the value of the debtors interest in the article or the sheriff is satisfied that the inclusion of the article in the poinding or its subsequent sale is unduly harsh.

Any enquiry relating to the above rights should be made to a solicitor, Citizens Advice Bureau or other local advice centre or to the Sheriff Clerk at

FORM 6 *The Debtors (Scotland) Act 1987, Section 21(1)(a)/Schedule 5 Paragraph 6(1)(a)*

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Rule 12(1)

Sheriff Court

APPLICATION FOR SECURITY OF POINDED ARTICLE

(1) [] [] []

..... 19..... (Court Ref No.) APPLICANT

*delete as appropriate

A. The applicant is
*(a) The creditor
*(b) The officer of court who carried out the pointing
*(c) The debtor

(1) Insert name and address

B. Other persons having an interest are
*(d) The creditor (1) and the officer of court who carried out the pointing
*(e) The debtor (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)
in the Court of Session/Sheriff Court at
on 19
against the defender(s) (2)
(or give details of other document or summary warrant upon which the pointing proceeded):-

(3) Insert address

D. A pointing of the debtor's belongings was carried out by (1)
Sheriff Officer/Messenger-at-Arms on the instructions of the creditor
on 19 at (3)

E. Among the articles pointed were the following:-
It is necessary that an order be made for the security of the pointed article(s)
(give reasons why such an order should be made and proposed security arrangements):-

This application is made under section 21(1)(a) of the Debtors (Scotland) Act 1987/paragraph 6(1)(a) of schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To order such intimation (if any) and further procedure as the court considers appropriate.
2. To make such order as thought appropriate for the security of the pointed article(s) referred to.
3. To award expenses (if competent).

Date19..... (Signed) APPLICANT

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

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Rule 12(1)

Sheriff Court

APPLICATION FOR IMMEDIATE DISPOSAL OF PERISHABLE POINDED ARTICLE

(1)

| |
|--|
| |
| |
| |

 19.....
(Court Ref No.)
APPLICANT

*delete as appropriate

A. The applicant is

- *(a) The creditor
- *(b) The officer of court who carried out the pointing
- *(c) The debtor

(1) Insert name and address

B. Other persons having an interest are

- *(d) The creditor (1) and the Officer of Court who carried out the pointing
- *(e) The debtor (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)

in the Court of Session/Sheriff Court at _____ on _____ 19____

against the defender(s) (2) _____

(or give details of other document or summary warrant upon which the pointing proceeded):-

(3) Insert address

D. A pointing of the debtor's belongings was carried out by (1)

Sheriff Officer/Messenger-at-Arms on the instructions of the creditor

on _____ 19____ at (3) _____

E. Among the articles pointed were the following:-

The(se) article(s) are of a perishable nature or are likely to deteriorate substantially and rapidly in condition or value (give reasons for making application):-

This application is made under section 21(1)(b) of the Debtors (Scotland) Act 1987/paragraph 6(1)(b) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To order such further procedure as the court considers appropriate.
 2. To make an order for the immediate disposal of the article(s) referred to.
 3. If the article(s) is/are sold, to order payment of the proceeds of sale to the creditor or consignment of the proceeds in court until the diligence is completed or otherwise ceases to have effect.
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

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FORM 8 *Receipt under the Debtors (Scotland) Act 1987, Section 21(5)/Schedule 5 Paragraph 6(5)*
Rule 14

In respect of the poinding executed on *(date)* at the instance of A *(design)* against B *(design)*, received the sum of £ _____ in redemption of the following article(s) viz: *(specify)*

.....(Signature of officer of court and date)

FORM 9 *The Debtors (Scotland) Act 1987, Section 22(1)*

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Rule 15(1)

Report of Poining

Date of execution of the poining—(specify)

On (date) a decree was granted in the Sheriff Court, (place)/Court of Session in an action by (name and address)

against (name and address) Pursuer(s)
in which the defender(s) were ordered to pay to the pursuer(s) Defender(s)
(specify amounts)
*(or give details of other document upon which the poining proceeded)

On (date) a charge for payment of these sums (under deduction of £ paid to account since the date of the decree) was served on the said (name of debtor)
The sum now due by the debtor is

| | |
|-------------------------|---------|
| Principal sum | £ |
| Interest | £ |
| Expended | £ |
| Less paid to account | £ _____ |
| Charge fee | £ |
| Poining fee | £ |
| Travelling | £ |
| Other outlays (specify) | £ _____ |
| | _____ |

I, (name and address) messenger-at-arms/sheriff officer
attended at (address) along with the witness (name and address)
on the instructions of the creditor(s) (name and address)

*delete if appropriate

exhibited the warrant to poind with certificate of execution of charge relating thereto to person(s) present and *demanded payment of the sum due from the debtor/a person who in the debtor's absence appeared to be authorised to act for him. The said sum not being paid, and having made enquiry of those present as to the ownership of the articles I proposed to poind,* and in particular whether there were any persons who owned any of the articles in common with the debtor, I thereafter poinded the articles, belonging to the said (name of debtor), specified in the list attached at the valuations contained therein.

I then advised person(s) present of their rights to redeem poinded article(s) or to apply for their release from poining in terms of sections 16(4), 21(4), 23(1), 41(2) and (3)(a) and 41(3)(b) of the Debtors (Scotland) Act 1987.

I left/removed the poinded articles at/to meantime and warned those present that any unauthorised removal of the poinded article(s) or any wilful damage or destruction of them by the debtor or persons who knew the article(s) had been poinded would be a breach of poining and could be dealt with as a contempt of court.

WITNESS

OFFICER OF COURT

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

ARTICLE(S) POINDED

**VALUE FIXED
BY ME/OR
OTHERWISE**

I delivered/left a pointing schedule signed by myself and the witness to the pointing to/for (*name of debtor/person in possession of articles*)
at _____ on the _____
day of _____

*delete if appropriate

*and served a copy of it by first class post on the said debtor(s)

WITNESS

OFFICER OF COURT

Note: (i) Any assertion made before the submission of this report to the sheriff, that any pointed article does not belong to the debtor(s), must be noted in the report.
(ii) Any redemption of pointed articles by the debtor before the submission of this report to the sheriff must be mentioned in the report.
(iii) Where the report relates to a further or second pointing to enforce the same debt, the officer of court must specify in the report the circumstances justifying the further or second pointing.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 16(1)

Sheriff Court

**APPLICATION FOR
RELEASE OF POINDED
ARTICLE ON GROUND
OF UNDUE HARSHNESS**

| |
|-----------|
| (1) _____ |
| _____ |
| _____ |

..... 19.....
(Court Ref No.)
APPLICANT

*delete as appropriate

A. The applicant is

- *(a) The debtor
- *(b) A person having possession of the pointed article(s)

(1) Insert name and address

B. Other persons having an interest are

- *(c) The creditor (1)
- *(d) The debtor (1)
- *(e) A person having possession of the pointed article(s) (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)

in the Court of Session/Sheriff Court at _____ on _____ 19 ____

against the defender(s) (2) _____

(or give details of other document or summary warrant upon which the pointing proceeded):—

(3) Insert address

D. A pointing of the debtor’s belongings was carried out by (1)

sheriff officer/messenger-at-arms on the instructions of the creditor

on _____ 19 ____ at (3) _____

E. Among the articles pointed were the following:—

The(se) article(s) should be released from the pointing (*state why pointing of article(s) is said to be unduly harsh*):—

This application is made under section 23(1) of the Debtors (Scotland) Act 1987/paragraph 7(1) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:—
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant, to those persons stated above as having an interest and to the officer of court who carried out the pointing.
 3. To order the said article(s) be released from pointing.
 4. To award expenses (if competent).

Date19..... (Signed)

APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 11 *The Debtors (Scotland) Act 1987, Section 24/Schedule 5 Paragraph 8*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 12 *The Debtors (Scotland) Act 1987, Section 26(1)/Schedule 5 Paragraph 10(1)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 18(1)

Sheriff Court

APPLICATION FOR SIST (1) 19.....
 OF PROCEEDINGS IN (Court Ref No.)
 POINDING OF MOBILE APPLICANT
 HOMES

*delete as appropriate

A. The applicant is
 *(a) The debtor
 *(b) A person whose only or principal residence is a poinded mobile home

(1) Insert name and address

B. Other persons having an interest are
 (c) The creditor (1)
 *(d) The debtor (1)
 *(e) A person whose only or principal residence is a poinded mobile home (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)
 in the Court of Session/Sheriff Court at
 on 19
 against the defender(s) (2) (or give details of other document or summary warrant upon which the poinding proceeded):—

(3) Insert address

D. A poinding of the debtor's belongings was carried out by (1)
 sheriff officer/messenger-at-arms on the instructions of the creditor
 on 19 at (3)

E. Among the articles poinded was a mobile home (state whether caravan, houseboat, or other moveable structure) namely:—
 This is the only principal residence of the applicant.
 *A warrant of sale has not been granted in respect of the "mobile home".
 *Intimation has not been given to the debtor under paragraph 16 of schedule 5 to the Act of the date arranged for the removal of the poinded articles for sale or if the articles are to be sold in the premises where they are situated of the date arranged for the sale.

This application is made under section 26(1) of the Debtors (Scotland) Act 1987/paragraph 10(1) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:—
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant to those persons stated above as having an interest and to the officer of court who carried out the poinding.
 3. To order that for such period as the court shall specify, no further steps shall be taken in the poinding.
 4. To award expenses (if competent).

Date19..... (Signed)
 APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 13 *The Debtors (Scotland) Act 1987, Section 27/Schedule 5 Paragraph 11*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 19(1)

Sheriff Court

APPLICATION FOR (1)

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|--|
| |
| |
| |

 19.....
(FURTHER) EXTENSION (Court Ref No.)
OF DURATION OF POINDING APPLICANT
POINDING

*delete as appropriate A. The applicant is
*(a) The creditor
*(b) An officer of court on behalf of a creditor

(1) Insert name and address B. Other persons having an interest are
(c) The debtor (1)

(2) Insert name C. Decree was granted in an action by the pursuer(s) (2)
in the Court of Session/Sheriff Court at
on 19
against the defender(s) (2) (or give details of other document or
summary warrant upon which the poinding proceeded):—

(3) Insert address D. A poinding of the debtor's belongings was carried out by (1)
sheriff officer/messenger-at-arms on the instructions of the creditor
on 19 at (3)

E. *(a) The poinding ceases to have effect on
or
*(b) An extension of duration of poinding was granted on extending the poinding so that it ceases to have effect on
No application has been made under section 30(1) of the Act for warrant of sale.
(Narrate ground(s) for (further) extension):—

This application is made under section 27 of the Debtors (Scotland) Act 1987/paragraph 11 of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:—
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant, to the debtor and to the officer of court who carried out the poinding, (if not the applicant).
 3. To (further) extend the duration of the poinding for (state period proposed).
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 14 *The Debtors (Scotland) Act 1987, Section 28(1)(b)/Schedule 5 Paragraph 12(1)(b)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 20(1)

Sheriff Court

APPLICATION FOR AUTHORITY TO MOVE POINDED ARTICLES (1) 19.....
 (Court Ref No.) APPLICANT

*delete as appropriate A. The applicant is
 *(a) The debtor
 *(b) A person having possession of the pointed articles

(1) Insert name and address B. Other persons having an interest are
 (c) The creditor (1)
 *(d) The debtor (1)
 *(e) A person having possession of the pointed articles (1)

(2) Insert name C. Decree was granted in an action by the pursuer(s) (2)
 in the Court of Session/Sheriff Court at
 on 19
 against the defender(s) (2)
 (or give details of other document or summary warrant upon which the pointing proceeded):-

(3) Insert address D. A pointing of the debtor's belongings was carried out by (1)
 sheriff officer/messenger-at-arms on the instructions of the creditor
 on 19 at (3)

E. Among the articles pointed were the following:-
 These articles are presently situated at
 The applicant wishes authority to move these articles to
 (give reasons for removal):-

This application is made under section 28(1)(b) of the Debtors (Scotland) Act 1987/paragraph 12(1)(b) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant to those persons stated above as having an interest and to the officer of court who carried out the pointing.
 3. To authorise removal of the pointed articles.
 4. To award expenses (if competent).

Date19..... (Signed)
 APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 15 *The Debtors (Scotland) Act 1987, Section 28(4)(a)/Schedule 5 Paragraph 12(4)(a)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 21(1)

Sheriff Court

APPLICATION FOR AN ORDER FOR RESTORATION OF REMOVED ARTICLES (1) 19.....
(Court Ref No.)
APPLICANT

A. The applicant is
*(a) The creditor

(1) Insert name and address

B. Other persons having an interest are
(b) The debtor (1)
(c) The person in possession of the poidned articles (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)
in the Court of Session/Sheriff Court at on 19
against the defender(s) (2)
(or give details of other document or summary warrant upon which the poidning proceeded):-

(3) Insert address

D. A poidning of the debtor's belongings was carried out by (1)
sheriff officer/messenger-at-arms on the instructions of the creditor
on 19 at (3)

E. Among the articles poidned were the following:—
The(se) article(s) has/have been removed from premises situated at (3)..... otherwise than in accordance with Part II of or Schedule 5 to the Debtors (Scotland) Act 1987 and are now in the possession of (1).....
(State whereabouts of articles if known):-

This application is made under section 28(4)(a) of the Debtors (Scotland) Act 1987/paragraph 12(4)(a) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:—
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant to the debtor, the person in possession of the poidned articles and to the officer of court who carried out the poidning.
 3. To order that the person(s) in possession of the poidned articles restore them to the premises from which they were removed within a specified period.
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 16 *The Debtors (Scotland) Act 1987 Section 28(5)(b)+(c)/Schedule 5 Paragraph 12(5)(b)+(c)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 22(1)

Sheriff Court
 APPLICATION FOR RECALL OF AN ORDER FOR RESTORATION OF REMOVED ARTICLES (1) 19.....
 (Court Ref No.) APPLICANT

A. The applicant is
 *(a) A person having an interest (*state nature of interest*)

(1) Insert name and address B. Other persons having an interest are
 (b) The creditor (1)
 (c) The debtor (1)
 (d) Any other person having an interest (1)

(2) Insert name C. Decree was granted in an action by the pursuer(s) (2)
 in the Court of Session/Sheriff Court at
 on 19
 against the defender(s) (2)
 (*or give details of other document or summary warrant upon which the pouncing proceeded*):-

(3) Insert address D. A pouncing of the debtor's belongings was carried out by (1)
 sheriff officer/messenger-at-arms on the instructions of the creditor
 on 19 at (3)

E. Among the articles pounced were the following:—
 These articles were removed from the premises where they were situated and an order for their restoration to said premises was made by the court, in terms of section 28(4)(a)/Schedule 5 paragraph 12(4)(a) of the Debtors (Scotland) Act 1987 on Such order should be recalled (*give reasons for this including circumstances under which articles acquired*):-
 The articles have been acquired for value and without knowledge of the pouncing.

This application is made under section 28(5)(b)+(c) of the Debtors (Scotland) Act 1987/Paragraph 12(5)(b)+(c) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:—
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant, to the creditor, the debtor, the officer of court who carried out the pouncing and to such other person as the court may require.
 3. To recall the order made.
 4. To order that said article(s) be released from the pouncing.
 5. To award expenses (if competent).

Date19..... (Signed)
 APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 17 *The Debtors (Scotland) Act 1987, Section 28(6)/Schedule 5 Paragraph 12(6)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 23(1)(b)

Sheriff Court

APPLICATION FOR AUTHORITY TO EXECUTE FURTHER POINDING

(1)

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|--|
| |
| |
| |

 19.....
(Court Ref No.)
APPLICANT

*delete as appropriate

A. The applicant is
*(a) The creditor
*(b) An officer of court on behalf of the creditor

(1) Insert name and address

B. Other persons having an interest are
(c) The debtor (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)
in the Court of Session/Sheriff Court at
on 19
against the defender(s) (2)
(or give details of other document or summary warrant upon which the poinding proceeded):-

(3) Insert address

D. A poinding of the debtor's belongings was carried out by (1)
sheriff officer/messenger-at-arms on the instructions of the creditor
on 19 at (3)

E. Among the articles poinded were the following:—
These articles were removed from premises at (3)
otherwise than in accordance with Part II of or Schedule 5 to the Debtors (Scotland) Act 1987. The debtor was at fault for their removal and authority should be given for the poinding of other articles belonging to him in the same premises (give reasons for the application including reasons for alleging debtor at fault):-

This application is made under section 28(6) of the Debtors (Scotland) Act 1987/paragraph 12(6) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:—
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant to the debtor and to the officer of court who carried out the poinding, (if not the applicant).
 3. To authorise the poinding of other articles belonging to the debtor in the premises situated at (3)
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 18 *The Debtors (Scotland) Act 1987, Section 29(2)/Schedule 5 Paragraph 13(2)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 24(1)

Sheriff Court

APPLICATION FOR
AUTHORITY TO
EXECUTE FURTHER
POINDING AND/OR TO
REVALUE DAMAGED
ARTICLE

(1)

| |
|--|
| |
| |
| |

..... 19.....
(Court Ref No.)
APPLICANT

*delete as
appropriate

A.

The applicant is
*(a) The creditor
*(b) An officer of court on behalf of the creditor.

(1) Insert name
and address

B.

Other persons having an interest are
(c) The debtor (1)

(2) Insert name

C.

Decree was granted in an action by the pursuer(s) (2)
in the Court of Session/Sheriff Court at
on 19
against the defender(s) (2)
(or give details of other document or
summary warrant upon which the poinding proceeded):-

(3) Insert address

D.

A poinding of the debtor's belongings was carried out by (1)
sheriff officer/messenger-at-arms on the instructions of the creditor
on 19 at (3)

E.

Among the articles poinded were the following which were damaged or
destroyed as specified:-
The debtor has been at fault for this (specify reasons):-
(Where articles have been damaged give details of the alleged reduction in
value of the damaged articles):-

This application is made under section 29(2) of the Debtors (Scotland) Act
1987/paragraph 13(2) of Schedule 5 to the Debtors (Scotland) Act 1987.

F. The applicant asks the court:—

- To fix a hearing.
- To order the sheriff clerk to intimate this application and the date of the hearing to the applicant, to the debtor and to the officer of court who carried out the poinding (if not the applicant).
- To authorise the poinding of other articles belonging to the debtor in the premises in which the original poinding took place and/or
- To authorise the revaluation of the damaged articles.
- To award expenses (if competent).

Date19.....

(Signed)

APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 19 *The Debtors (Scotland) Act 1987, Section 29(3)/Schedule 5 Paragraph 13(3)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 25(1)

Sheriff Court

APPLICATION FOR AN ORDER FOR CONSIGNATION BY THIRD PARTY (1) 19.....
(Court Ref No.)
APPLICANT

*delete as appropriate A. The applicant is
 *(a) The creditor/officer of court on behalf of the creditor
 *(b) The debtor

(1) Insert name and address B. Other persons having an interest are
 (c) The person in respect of whom an order for consignation is requested (1)
 *(d) The creditor (1)
 *(e) The debtor (1)

(2) Insert name C. Decree was granted in an action by the pursuer(s) (2)
 in the Court of Session/Sheriff Court at _____ on _____ 19_____
 against the defender(s) (2) _____
 (or give details of other document or summary warrant upon which the pouding proceeded):-

(3) Insert address D. A pouding of the debtor's belongings was carried out by (1)
 sheriff officer/messenger-at-arms on the instructions of the creditor
 on _____ 19____ at (3)

E. Among the articles pouded was the following which was valued at £ _____ :-
 This article has been wilfully *damaged/*destroyed by (1) _____
OR
 This article having been removed from premises by (1) _____
 in breach of pouding has been *damaged/*destroyed/*lost/*stolen/*passed on to another person without knowledge of the pouding for value.
 *The said article is now valued at £ _____
 The said (2).....knew the article had been pouded.

This application is made under section 29(3) of the Debtors (Scotland) Act 1987/paragraph 13(3) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:—
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant to those persons stated above as having an interest and to the officer of court who carried out the pouding.
 3. To order the said (2).....to consign £ _____ in court being:
 - *(i) the difference between the value of the article fixed under section 20(4) of the Act/paragraph 5(4) of Schedule 5 to the Act and the value of the article as damaged or
 - *(ii) the value fixed under said section.
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 20 The Debtors (Scotland) Act 1987, Section 30

Rule 26(1)

Sheriff Court

APPLICATION FOR
WARRANT OF SALE OF
POINDED ARTICLES

| |
|--|
| |
| |
| |

(name and address)

Applicant

The applicant is the creditor/an officer of court on behalf of the creditor. A pointing of the belongings of the debtor (name and address) was carried out by (name and address) sheriff officer/messenger-at-arms on (date) at (place) on the instructions of the creditor (name and address) and a report of the pointing was made to the Sheriff at on (date). The person who presently has possession of the pointed articles is (name and address).

*delete as appropriate

*The following articles to the value of £ have been released/redeemed from pointing, in terms of section 33 of the Debtors (Scotland) Act 1987:-

The place where it is intended to hold the warrant sale is
*a. an auction room
*b. a dwellinghouse
*c. other premises (state nature of premises)
(Give details of every person whose consent is required if the sale is to be held in a dwellinghouse/other premises):-

The applicant asks the court:-

1. To grant a warrant of sale of the pointed articles by public auction at (place).
2. To appoint (name and address) officer of court to make arrangements for the warrant sale.
3. To direct that the warrant sale shall take place within (state period of time).
4. To grant warrant to said officer of court to open shut and lockfast places for the purpose of executing the warrant.
5. To appoint (name and address) auctioneer/officer of court/ other suitable person, to conduct the warrant sale.
- *6. To grant warrant to said officer of court to remove the pointed articles to the premises at (place) for the sale.
- *7. To direct that the warrant sale shall be advertised by public notice by (state method).

Date19.....

(Signed)

Applicant

FORM 21 The Debtors (Scotland) Act 1987, Section 30

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 26(5)

NOTICE TO DEBTOR OF APPLICATION FOR A WARRANT OF SALE

*delete as appropriate

(place and date)

To

Debtor

You are served with a copy of the application for a warrant of sale of pointed articles* along with copies of consents obtained.

Creditor/Officer of Court

NOTICE TO DEBTOR

This is an application for warrant to sell pointed articles belonging to you. Please read notes A and B carefully.

A. You may object to the application

1. The grounds for objection are:-
 - a. The pointing is invalid or has ceased to have effect.
 - b. The total value fixed for the articles at the pointing is substantially below the total price which they would likely fetch if sold on the open market.
 - c. The likely proceeds of the warrant sale will not exceed the expenses likely to be incurred in this application and in any steps required in execution of the warrant, on the assumption that the application and such steps are unopposed.
 - d. The granting of this application will be unduly harsh.
2. IF YOU WISHTO OBJECT: you must complete and sign the Notice of Objection attached to this form and return it to the Court within 14 days from (*officer of court to specify date*), or lodge separate written objections within the same period.
3. You will then be advised by the sheriff clerk of the date fixed for the hearing of the application when you should attend or be represented at court.
4. PLEASE NOTE. If you fail to return the said Notice of Objection to the court or lodge separate written objections as directed and if having objected you fail to attend or be represented at the hearing, the application may be dealt with in your absence.
5. If you oppose the application on frivolous grounds you may have to pay certain expenses.

B. You may redeem any pointed article

To do this you must pay the officer of court, within seven days from the date this application is served on you, the amount fixed for the article at the pointing and stated in the pointing schedule.

If you wish further advice contact any citizen advice bureau/local advice centre/sheriff clerk or solicitor.

The following expenses have been incurred by the creditor in making this application viz:-

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTICE OF OBJECTION

*To the Sheriff Clerk
Sheriff Court.....

*In an application by *(state name and address of applicant)* for warrant to sell articles pointed on *(date)* in which a report of the poinding was made to the Sheriff at *(place)* on *(date)*

I, *(name and address)*,
have read the application
I object to the granting of it

.....
(Date) (Signature)

- Please note: (1) This form or separate written objections must be returned to the sheriff clerk within 14 days from *(officer of court to specify date)* but only if you have grounds to object to the application.
- (2) If you oppose the application on frivolous grounds you may have to pay certain expenses.

*To be completed by officer of court
prior to service

FORM 22 *The Debtors (Scotland) Act 1987 consent under Section 32(1)/32(4)/Schedule 5 Paragraph 14(2)/14(3)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 27(1)

*delete as appropriate

*In respect of an application by A (*design*) for warrant of sale of pointed articles belonging to B (*design*)/*In respect of the sale of pointed articles belonging to B (*design*) under summary warrant dated (*specify*) I, (*design*), being the debtor/an occupier of (*the place where sale is to take place*) hereby give my consent to the sale of the articles pointed on (*date*) being held at (*place*)

.....(*Signature and date*)

FORM 23 Receipt under the Debtors (Scotland) Act 1987, Section 33(3)/Schedule 5, Paragraph 15(3)

Rule 28

In respect of the pointing executed on (*date*) at the instance of A (*design*) against B (*design*), received the sum of £ in redemption of the following article(s) viz: (*specify*)

.....(*Signature of officer of court and date*)

FORM 24 The Debtors (Scotland) Act 1987, Section 35(1) or 36(3)(b)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 39(1)

Sheriff Court

APPLICATION FOR VARIATION OF A WARRANT OF SALE OF POINDED ARTICLES

[Three horizontal lines for name and address]

(name and address)

Applicant

The applicant is the creditor/an officer of court on behalf of the creditor. A pointing of the belongings of the debtor (name and address) was carried out by (name and address) sheriff officer/messenger-at-arms on (date) at (place) on the instructions of the creditor (name and address) and a report of the pointing was made to the sheriff at on (date) A warrant of sale was granted on (date) . This is returned for amendment. The person who presently has possession of the pointed articles is (name and address)

*delete as appropriate

*The following articles to the value of £ have been released/redeemed from pointing, in terms of sections 33, 40 and 41 of the Debtors (Scotland) Act 1987:-

The place where it is now intended to hold the warrant sale is different from that stated in the original warrant of sale and is
*a. an auction room
*b. a dwellinghouse
*c. other premises (state nature of premises)
(Give details of every person whose consent is required if the sale is to be held in a dwellinghouse/other premises):-

The original warrant of sale should be varied (State variation required and reason for this):-

The following additional powers are required (state powers required):-

The applicant asks the court:-

To vary the warrant of sale granted on (date) and to make order(s) in terms of this application.

Date19.....

(Signed)

Applicant

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Rule 30(5)

NOTICE TO DEBTOR OF APPLICATION FOR VARIATION OF A WARRANT OF SALE

*delete as appropriate

(place and date)

To

Debtor

You are served with a copy of the application for a variation of warrant of sale of poinded articles* along with copies of consents obtained.

Creditor/Officer of Court

NOTICE TO DEBTOR

This is an application for variation of a warrant to sell poinded articles belonging to you. Please read the following notes carefully.

You may object to the application

1. The grounds for objection are:-
 - a. The poinding is invalid or has ceased to have effect.
 - b. The proposed variation is unsuitable.
2. **IF YOU WISH TO OBJECT:** you must complete and sign the Notice of Objection attached to this form and return it to the court within 7 days from the date this application is served on you, or lodge separate written objections within the same period.
3. You will then be advised by the sheriff clerk of the date fixed for the hearing of the application when you should attend or be represented at court.
4. **PLEASE NOTE** If you fail to return the said Notice of Objection to the court or lodge separate written objections as directed and if having objected you fail to attend or be represented at the hearing, the application may be dealt with in your absence.
5. If you oppose the application on frivolous grounds you may have to pay certain expenses.

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

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NOTICE OF OBJECTION

*To the Sheriff Clerk
Sheriff Court.....

*In an application by (*state name and address of applicant*) for variation of a warrant to sell granted on (*date*) of articles pointed on (*date*) in which a report of the pointing was made to the sheriff at (*place*) on (*date*)

I, (*name and address*),
have read the application
I object to the granting of it

.....
(*Date*)

.....
(*Signature*)

- Please note: (1) This form or separate written objections must be returned to the sheriff clerk within 7 days from the date the application is served on you, *but only if* you have grounds to object to the application.
- (2) If you oppose the application on frivolous grounds you may have to pay certain expenses.

*To be completed by officer of court
prior to service

FORM 26 *The Debtors (Scotland) Act 1987, Section 39(1)/Schedule 5 Paragraph 20(1)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sheriff Court

Report of Sale

Details of parties and prior steps in diligence

- 1. The creditor : (name and address)
- 2. The debtor : (name and address)
- 3. The person who had possession of the pointed articles, if not the debtor : (name and address)
- [extract decree and other documents on which the diligence proceeded to be produced] 4. Date of decree etc :
- 5. Date of extract :
- 6. Date of charge :
- 7. Date of pointing :
- [warrant of sale and any variation to be produced] 8. Date pointing reported :
- 9. Date warrant of sale granted :
- 10. Date of any variation to warrant of sale :

Details of sale arrangements

- 11. Date of sale :
- 12. Location of sale :
- 13. Officer of court who made arrangements : (name and address)
- 14. Person who conducted sale (if different from 13) : (name and address)
- 15. Person who witnessed sale (if applicable) : (name and address)
- [executions to be produced] 16. Intimations, services and public notices given by officer of court in respect of sale or removal of articles for sale :

Disposal of pointed articles and sale proceeds

LIST:-

- 17. Articles sold and amount for which sold
- 18. Articles unsold
- 19. Articles whose ownership passed to creditor
- 20. Articles whose ownership reverted to debtor
- 21. Articles otherwise disposed of (specify)

Specify each item under 17-21 and amount debtor was credited with.

- 22. Articles released/redeemed from pointing and value fixed at pointing.

DETAIL:-

- 23. Disposal of sale proceeds including any surplus paid to debtor.
- 24. Any monies consigned in court.

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STATEMENT OF DEBT AND EXPENSES

Sums due by debtor

1. Sums in decree etc

| | | |
|-----------|-------|-------|
| Principal | _____ | |
| Expenses | _____ | |
| Interest | _____ | |
| Etc | _____ | _____ |

2. Diligence Expenses

| | | | |
|--|------------------------------------|-------|-------|
| | Charge | _____ | |
| | Poining | _____ | |
| [vouchers for outlays to be produced] | Application for Warrant of Sale | _____ | |
| | Etc | _____ | _____ |

3. Sale Expenses

| | |
|-------|-------|
| _____ | |
| _____ | |
| _____ | |
| _____ | _____ |

Paid to Account _____

Proceeds of Sale (from 17-22) _____

Consignation on by _____

Balance due to/by debtor _____

This report is made by me (*specify name and address*) to the sheriff at
(*place*) on (*date*)

(Signed)
Messenger-at-Arms/Sheriff Officer

.....
Witness (if applicable)

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Rule 34(1)

Sheriff Court

APPLICATION FOR
RELEASE OF POINDED
ARTICLE(S)
BELONGING TO THIRD
PARTY

(1)

| |
|--|
| |
| |
| |

 19.....
 (Court Ref No.)
 APPLICANT

A.

| | |
|----|--|
| A. | The applicant is (a) A person claiming ownership of pointed articles. |
|----|--|

(1) Insert name and address

*delete as appropriate

B.

| | |
|----|---|
| B. | Other persons having an interest are (b) The creditor (1) (c) The debtor (1) *(d) Any person (other than the debtor) having possession of the pointed article(s) for which release is sought (1) |
|----|---|

(2) Insert name

C.

| | |
|----|--|
| C. | Decree was granted in an action by the pursuer(s) (2) in the Court of Session/Sheriff Court at <div style="text-align: right; margin-right: 100px;">on 19</div> against the defender(s) (2) <i>(or give details of other document or summary warrant upon which the pointing proceeded):-</i> |
|----|--|

(3) Insert address

D.

| | |
|----|---|
| D. | A pointing of the debtor's belongings was carried out by (1) sheriff officer/messenger-at-arms on the instructions of the creditor on 19 at (3) |
|----|---|

E.

| | |
|----|--|
| E. | Among the articles pointed were the following:- A (warrant of) sale of the pointed article(s) has not yet taken place (<i>specify details of where and when a (warrant of) sale is to be held if this has been fixed):-</i> The(se) articles(s) belong to the applicant and should be released from pointing. |
|----|--|

This application is made under section 40(2) of the Debtors (Scotland) Act 1987/paragraph 21(2) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant to those persons stated above as having an interest and to the officer of court who carried out the pointing.
 3. To order that said article(s) be released from the pointing
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 28 *The Debtors (Scotland) Act 1987, Section 41(3)/Schedule 5 Paragraph 22(3)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 35(1)

Sheriff Court

APPLICATION FOR
RELEASE OF POINDED
ARTICLE(S) IN COMMON
OWNERSHIP

(1)

| |
|--|
| |
| |

 19.....
(Court Ref No.)
APPLICANT

A. The applicant is
(a) A person claiming ownership of pointed article(s) in common with the debtor

(1) Insert name and address

B. Other persons having an interest are
(b) The debtor (1) (c) The creditor (1)
* (d) Any other person claiming common ownership of the pointed article(s)(1)
* (e) Any person (other than the debtor) having possession of the pointed article(s) for which release is sought(1)

*delete as appropriate

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2) in the Court of Session/Sheriff Court at on 19 against the defender(s) (2) (or give details of other document or summary warrant upon which the pointing proceeded):-

(3) Insert address

D. A pointing of the debtor's belongings was carried out by (1) sheriff officer/messenger-at-arms on the instructions of the creditor on 19 at (3)

E. Among the articles pointed were the following:-
A (warrant of) sale of the pointed article(s) has not yet taken place (give details of where and when a (warrant of) sale is to be held if this has been fixed):-
The applicant owns the pointed article(s) in common with the debtor (state nature and extent of common interest and name and full address of any other common owner):-
* (i) The applicant undertakes to pay the officer of court a sum equal to the value of the debtors interest in the article(s).
* (ii) The inclusion of the article(s) in the pointing or its/their subsequent sale would be unduly harsh to the applicant (give reasons for application on this basis):-

This application is made under section 41(3) of the Debtors (Scotland) Act 1987/paragraph 22(3) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant to those persons stated above as having an interest and to the officer of court who carried out the pointing.
 - *3. To find that the continued inclusion of the article(s) in the pointing or its/their sale under summary warrant/warrant of sale would be unduly harsh to the applicant.
 4. To order that said article(s) be released from pointing.
 5. To award expenses (if competent).

Date19..... (Signed)

APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 29 *The Debtors (Scotland) Act 1987, Section 41(7)(b)/Schedule 5 Paragraph 22(6)(b)*

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Rule 36(1)

Sheriff Court

APPLICATION FOR FINDING OF COMMON OWNERSHIP OF POINDED ARTICLE

(1)

| |
|--|
| |
| |
| |

19.....
(Court Ref No.)
APPLICANT

A. The applicant is

(a) A person claiming ownership of pointed article(s) in common with the debtor.

(1) Insert name and address

B. Other persons having an interest are

(b) The debtor (1) (c) The creditor (1)

*(d) Any other person claiming common ownership of the pointed article(s)(1)

*delete as appropriate

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)

in the Court of Session/Sheriff Court at _____ on _____ 19____

against the defender(s) (2) _____

(or give details of other document or summary warrant upon which the pointing proceeded):-

(3) Insert address

D. A pointing of the debtor's belongings was carried out by (1)

sheriff officer/messenger-at-arms on the instructions of the creditor

on _____ 19____ at (3) _____

E. Among the articles pointed were the following:-

The applicant claims to own the pointed article(s) in common with the debtor. He does not seek release of the article(s) from pointing. The creditor and debtor do not admit this claim and a finding should be pronounced that a valid claim exists.

(State nature and extent of the common interest and the name and full address of any other common owner):-

This application is made under section 41(7)(b) of the Debtors (Scotland) Act 1987/paragraph 22(6)(b) of Schedule 5 to the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant, to those persons stated above as having an interest and to the officer of court who carried out the pointing.
 3. To find that the applicant has common ownership in the article(s) to the extent of (specify).
 4. To award expenses (if competent).

Date19..... (Signed)

APPLICANT

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

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FORM 30 The Debtors (Scotland) Act 1987, Section 47

Rule 38(1)

Earnings Arrestment Schedule

On the date of service of this schedule there comes into effect an earnings arrestment. Particulars of the arrestment and of the requirement on the employer on a pay-day to pay sums deducted from the debtors earnings to the creditor are given in the schedule.

Particulars of Earnings Arrestment

Employer : (name, designation and address)
Debtor (employee): (name, designation and address)
Creditor : (name, designation and address)

Table with 2 columns: Description and Amount. Rows include: ordinary debt, expenses, interest, less paid to account, expenses of serving charge, expenses of executing this earnings arrestment, and TOTAL.

Particulars of decree: (specify) or other document or summary warrant upon which this arrestment proceeds

Date of any charge:

(Place and date)
To (name of employer)
You are served with this earnings arrestment schedule along with a copy of sections 49(1) to (6) and Schedule 2 to the Debtors (Scotland) Act 1987.

(Signed)
Officer of Court
(name, designation and address)

NOTE TO OFFICER OF COURT:

A copy of this earnings arrestment schedule and a copy of section 49(1) to (6) and Schedule 2 to the Debtors (Scotland) Act 1987 is to be intimated to the debtor by you, if reasonably practicable.

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EFFECT OF EARNINGS ARRESTMENT

An earnings arrestment has the general effect of requiring the employer of a debtor:-

- (1) to deduct a sum calculated in accordance with the Debtors (Scotland) Act 1987 from the debtor's net earnings on every pay-day; and
- (2) to pay any sum so deducted to the creditor as soon as is reasonably practicable.

The arrestment remains in effect until the debt has been paid or otherwise extinguished, the debtor has ceased to be employed by the employer or the arrestment has been recalled or abandoned by the creditor or has ceased to have effect.

Instructions to Employer

Please read these instructions carefully.

1. When this earnings arrestment schedule is served on you, you are required to make a deduction from your employees net earnings on every pay-day *unless* you are already making deductions from his earnings under a previous earnings arrestment or a conjoined arrestment order in which case read sections 59 and 62 of the Debtors (Scotland) Act 1987.
2. (1) You must begin deducting on the first pay-day occurring after a period of seven days after the date of service of this schedule on you.
(2) Where any pay-day occurs within this seven day period you are entitled but not required to begin deducting.
3. The sum to be deducted is calculated in accordance with section 49 of the Debtors (Scotland) Act 1987. (A copy of section 49(1) to (6) and Schedule 2 to the Act is attached) [*officer of court to attach*].
4. As soon as is reasonably practicable you must pay the sum deducted to [*officer of court to insert name and address of a person in the United Kingdom to whom payment is to be made*].
5. You must continue to make deductions and payments until:-
 - (1) the debt recoverable has been paid or otherwise extinguished;
 - (2) the debtor has ceased to be employed by you or;
 - (3) the arrestment has been recalled or abandoned by the creditor or has for any other reason ceased to have effect.
6. You are entitled to charge your employee a fee (at present) on each occasion you make a payment to the creditor.
7. For further information read the following notes.

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NOTES

- (1) The debt recoverable by the arrestment consists of the sums as set out in section 48 of the Act.
- (2) "Earnings" and "net earnings" from which deductions are to be made, are defined in section 73 of the Act.
- (3) You are also referred to the following sections of the Act:–
 - 50(1): Sheriff's power on an application by the debtor or the person on whom the earnings arrestment schedule was served to make an order declaring that the earnings arrestment is invalid or has ceased to have effect.
 - 50(3): Sheriff's power on an application by the debtor, the creditor or the employer to determine any dispute as to the operation of an earnings arrestment.
 - 57(1): Employer's liability where he fails to comply with an earnings arrestment.
 - 58(1): Provisions regarding the simultaneous operation of one earnings arrestment and one current maintenance arrestment.
 - 59(1): While an earnings arrestment is in effect, no other earnings arrestment against the earnings of the same debtor payable by the same employer is competent.
 - 59(4): Employer's duty, on receipt of a second earnings arrestment schedule to give certain information to the "second creditor".
 - 62(2) and (3): Employer's duty, when a conjoined arrestment order is in effect, to give certain information to a creditor who is not included in the conjoined arrestment order and who has served or has in effect an earnings arrestment.
 - 69(3): If deductions are not made on the first pay-day after the service of the earnings arrestment schedule in accordance with section 69(2) of the Act, deductions made on a subsequent pay-day are not to include any deductions in respect of the first pay-day.
 - 69(5)(a): Intimations the employer may expect to receive from the creditor or the sheriff clerk.

Further information and advice about the Act is available from solicitors' offices, Citizens' Advice Bureaux and other local advice centres and sheriff clerks' offices.

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Rule 39(1)

Intimation to employer in terms of section 49(8)

The employer : (name and address)
 The debtor (employee) : (name and address)
 The creditor : (name and address)
 Date earnings arrestment schedule served on employer: (specify)

To the employer—Take note that on (date) the Lord Advocate made regulations which varied

*delete as appropriate

*(a) Tables A, B and C of Schedule 2 to the Debtors (Scotland) Act 1987 (the statutory deduction tables)

*(b) the percentage specified in subsection (5) and (6)(a)(ii) of section 49 of the Debtors (Scotland) Act 1987 to (specify change)

The regulations come into force on (date)

Date (Signed).....
 Creditor/Debtor

- (i) This intimation should be considered carefully by the employer as the variation referred to may affect the sum to be deducted by him under the earnings arrestment (see further section 69(1), (2) and (3) of the Debtors (Scotland) Act 1987).
- (ii) The person intimating this form to the employer must attach the statutory deduction tables as revised where these have been varied by the regulations.

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Rule 40(1)

Sheriff Court

APPLICATION FOR DECLARATION THAT EARNINGS ARRESTMENT INVALID OR CEASED TO HAVE EFFECT

(1) []

..... 19..... (Court Ref No.) APPLICANT

*delete as appropriate

A. The applicant is
*(a) The debtor
*(b) The person on whom the earnings arrestment schedule was served

(1) Insert name and address

B. Other persons having an interest are
(c) The creditor (1)
*(d) The debtor (1)
*(e) The person on whom the earnings arrestment schedule was served (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2) in the Court of Session/Sheriff Court at on 19 against the defender(s) (2) (or give details of other document or summary warrant upon which the earnings arrestment proceeded):-

D. An earnings arrestment schedule against the earnings of the debtor (2) was served on (2) by (1) sheriff officer/messenger-at-arms on the instructions of the creditor (2) on 19 A copy of the said schedule is attached.

E. The earnings arrestment is invalid/has ceased to have effect because (Give reasons for application):-

This application is made under section 50(1) of the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to those persons stated above as having an interest.
3. To make an order declaring that the earnings arrestment is invalid or has ceased to have effect.
4. To make the following consequential order (give details).
5. To award expenses (if competent).

Date19..... (Signed) APPLICANT

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

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FORM 33 *The Debtors (Scotland) Act 1987, Section 50(3)*

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Rule 41(1)

Sheriff Court

APPLICATION FOR DETERMINATION OF DISPUTE IN OPERATION OF EARNINGS ARRESTMENT

(1) 19.....
 (Court Ref No.)
 APPLICANT

*delete as appropriate

A. The applicant is
 *(a) The debtor
 *(b) The creditor
 *(c) The employer

(1) Insert name and address

B. Other persons having an interest are
 *(d) The debtor (1)
 *(e) The creditor (1)
 *(f) The employer (1)

(2) Insert name

C. Decree was granted in an action by the pursuer(s) (2)
 in the Court of Session/Sheriff Court at _____ on _____ 19____
 against the defender(s) (2) _____
 (or give details of other document or summary warrant upon which the earnings arrestment proceeded):-

D. An earnings arrestment schedule against the earnings of the debtor (2)
 was served on the employer (2)
 by (1) _____ sheriff officer/messenger-at-arms on the instructions of the creditor (2)
 on _____ 19____
 A copy of the said schedule is attached.

E. The following dispute as to the operation of the earnings arrestment requires to be determined (specify nature of the dispute):-

This application is made under section 50(3) the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to those persons stated above as having an interest.
 3. To make an order determining the dispute (specify order sought):-
 - *4. To order the reimbursement by (name person) to (name person) of £ _____ with interest thereon at the rate of (specify rate) from (specify date) or such other date as the court may consider appropriate.
 - *5. To order the payment by (name person) to (name person) of £ _____ with interest thereon at the rate of (specify rate) from (specify date) or such other date as the court may consider appropriate.
 6. To award expenses (if competent).

Date19..... (Signed)
 APPLICANT

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

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FORM 34 *The Debtors (Scotland) Act 1987, Section 51*

Rule 42(1)

Current Maintenance Arrestment Schedule

On the date of service of this schedule there comes into effect a current maintenance arrestment. Particulars of the arrestment and of the requirement on the employer on a pay-day to pay sums deducted from the debtors earnings to the creditor are given in the schedule.

Particulars of Current Maintenance Arrestment

Employer : (name, designation and address)
Debtor (employee) : (name, designation and address)
Creditor : (name, designation and address)

Particulars of maintenance order(s) upon: (specify)
which this arrestment proceeds

Maintenance payable by the debtor: (state)
expressed as a daily rate (see section
51(5))

Date of any intimation made under sec-:
tion 54(1)

The debtor has defaulted in his payments: (give particulars of default with reference
under the maintenance order(s) to either subsection (1) or (2) of section 54
of the Act)

*delete as
appropriate

The debtor *is/*is not entitled to deduct:
income tax from the maintenance pay-
able to the creditor

(Place and date)

To (name of employer)

You are served with this current maintenance arrestment schedule along with a copy
of sections 53(1) and (2) of the Debtors (Scotland) Act 1987.

(Signed)
Officer of Court
(name, designation and address)

NOTE TO OFFICER OF COURT

A copy of this current maintenance arrestment schedule and a copy of section 53(1) and (2) of the Debtors (Scotland) Act 1987 is to be intimated to the debtor by you, if reasonably practicable.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EFFECT OF CURRENT MAINTENANCE ARRESTMENT

A current maintenance arrestment has the general effect of requiring the employer of a debtor:–

- (1) to deduct a sum calculated in accordance with the Debtors (Scotland) Act 1987 from the debtor's net earnings on every pay-day; and
- (2) to pay any sum so deducted to the creditor as soon as is reasonably practicable.

The arrestment remains in effect until the debtor has ceased to be employed by the employer or the arrestment has been recalled or abandoned by the creditor or has ceased to have effect.

Instructions to Employer

Please read these instructions carefully.

1. When this current maintenance arrestment schedule is served on you, you are required to make a deduction from your employees net earnings on every pay-day *unless* you are already making deductions from his earnings under a previous current maintenance arrestment or a conjoined arrestment order in which case read sections 59 and 62 of the Debtors (Scotland) Act 1987.
2. (1) You must begin deducting on the first pay-day occurring after a period of seven days after the date of service of this schedule on you.
(2) Where any pay-day occurs within this seven day period you are entitled but not required to begin deducting.
3. (1) The sum to be deducted is calculated in accordance with section 53 of the Debtors (Scotland) Act 1987. (A copy of sections 53(1) and (2) is attached) [*officer of court to attach*].
(2) You may be required to make deductions under both an earnings arrestment and a current maintenance arrestment. If this is the case and on any pay-day the net earnings of your employee are less than the total sums to be deducted by you, you must first deduct under the earnings arrestment and then under the current maintenance arrestment on the balance of the net earnings in accordance with section 53(1) of the Act.
4. As soon as is reasonably practicable you must pay the sum deducted to [*officer of court to insert name and address of a person in the United Kingdom to whom payment is to be made*].
5. You must continue to make deductions and payments until:–
 - (1) the debtor has ceased to be employed by you;
 - (2) the arrestment has been recalled or abandoned by the creditor;
 - (3) the arrestment has ceased to have effect under section 55(8) of the Act or for any other reason.
6. You are entitled to charge your employee a fee (at present) on each occasion you make a payment to the creditor.
7. For further information read the following notes.

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NOTES FOR EMPLOYER

- (1) "Earnings" and "net earnings" from which deductions are to be made, are defined in section 73 of the Act.
- (2) You are also referred to the following sections of the Act:-
 - 55(1): Sheriff's power on an application by the debtor or the person on whom the current maintenance arrestment schedule was served to make an order declaring that a current maintenance arrestment is invalid or has ceased to have effect.
 - 55(2): Sheriff's power on an application by the debtor to recall a current maintenance arrestment if satisfied that the debtor is unlikely to default again in paying maintenance.
 - 55(5): Sheriff's power on an application by the debtor, the creditor or the employer to determine any dispute as to the operation of a current maintenance arrestment.
 - 57(1): Employer's liability where he fails to comply with a current maintenance arrestment.
 - 58: Provisions regarding the simultaneous operation of one earnings arrestment and one current maintenance arrestment.
 - 59(2): While a current maintenance arrestment is in effect, no other current maintenance arrestment against the earnings of the same debtor payable by the same employer is competent.
 - 59(4): Employer's duty, on receipt of a second current maintenance arrestment schedule to give certain information to the "second creditor".
 - 62(2) and (3): Employer's duty, when a conjoined arrestment order is in effect, to give certain information to a creditor who is not included in the conjoined arrestment order and who has served or has in effect a current maintenance arrestment.
 - 68: Creditor's power to authorise the Secretary of State to receive any sums payable under the current maintenance arrestment direct from the employer.
 - 69(3): If deductions not made on the first pay-day after service of the schedule in accordance with section 69(2) of the Act, deductions made on subsequent pay-day not to include any deductions in respect of first pay-day.
 - 69(5)(6) Intimations the employer may expect to receive from the creditor or the sheriff clerk.

Further information and advice about the Act is available from solicitors' offices, Citizens' Advice Bureaux and other local advice centres and sheriff clerks' offices.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 43(1)

Intimation to employer in terms of section 53(4)

The employer : (name and address)
The debtor (employee) : (name and address)
The creditor : (name and address)
Date current maintenance arrestment schedule :
served on employer (specify)

To the employer: Take note that on (date) the Lord Advocate made regulations which varied the sum specified in subsection 2(b) of section 53 of the Debtors (Scotland) Act 1987 to £

The regulations come into operation on (date)

Date (Signed).....
Creditor/Debtor

This intimation should be considered carefully by the employer as the variation referred to may affect the sum to be deducted by him under the current maintenance arrestment (see further section 69(1), (2) and (3) of the Debtors (Scotland) Act 1987).

FORM 36 The Debtors (Scotland) Act 1987

Rule 44(1)

Intimation to employer in terms of section 53(5)

The employer : (name and address)
The debtor (employee) : (name and address)
The creditor : (name and address)
Date current maintenance arrestment schedule:
served on employer (specify)

To the employer: Take note that on (date) the small maintenance payment limits mentioned in section 65(1A) of the Income and Corporation Taxes Act 1970 were changed to (specify changes)

The changes come into operation on (date)

Date (Signed).....
Creditor/Debtor

- (i) This intimation should be considered carefully by the employer as the changes made may affect the sum to be deducted by him under the current maintenance arrestment.
- (ii) The person intimating this form to the employer must attach a copy of section 65(1A) of the Income and Corporation Taxes Act 1970 as amended or varied.

FORM 37 The Debtors (Scotland) Act 1987

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 45(1)

Intimation to debtor in terms of section 54(1)(a)

To the debtor (*name and address*)

Take note that a maintenance order, in which you are ordered to make payments to (*name and address of creditor*), was made/registered/confirmed on (*date*) by/in (*name of court*)
A copy of the order is attached.

Date Signed
Creditor

A current maintenance arrearment schedule may be served on your employer after a period of four weeks from this date if (unless section 56 of the Act applies) a total of 3 instalments of maintenance remains unpaid.

FORM 38 *The Debtors (Scotland) Act 1987, Section 55(1)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 46(1)

Sheriff Court

APPLICATION FOR
DECLARATION THAT
CURRENT
MAINTENANCE
ARRESTMENT INVALID
OR CEASED TO HAVE
EFFECT

(1)

| |
|--|
| |
| |
| |

..... 19.....
(Court Ref No.)
APPLICANT

*delete as appropriate

A. The applicant is
*(a) The debtor
*(b) The person on whom the current maintenance arrestment schedule was served

(1) Insert name and address

B. Other persons having an interest are
(c) The creditor (1)
*(d) The debtor (1)
*(e) The person on whom the current maintenance arrestment schedule was served (1)

C. Specify details of maintenance order and when and by whom granted or issued and where appropriate details of its registration or confirmation:-

(2) Insert name

D. A current maintenance arrestment schedule against the earnings of the debtor (2) was served on (2) by (1) sheriff officer/messenger-at-arms on the instructions of the creditor (2) on 19 . A copy of the said schedule is attached

E. The current maintenance arrestment is invalid/has ceased to have effect because (give reasons for application):-

This application is made under section 55(1) of the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant, and to those persons stated above as having an interest.
 3. To make an order declaring that the current maintenance arrestment is invalid or has ceased to have effect.
 4. To make the following consequential order (give details).
 5. To award expenses (if competent).

Date19..... (Signed)
Applicant

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 39 *The Debtors (Scotland) Act 1987, Section 55(2)*

Rule 47(1)

Sheriff Court

APPLICATION FOR
RECALL OF A CURRENT
MAINTENANCE
ARRESTMENT

(1)

| |
|--|
| |
| |
| |

 19.....
(Court Ref No.)
APPLICANT

A.

| |
|--------------------------------|
| The applicant is The debtor |
|--------------------------------|

(1) Insert name and address

B.

| |
|--|
| Other persons having an interest are The creditor (1) |
|--|

C.

| |
|---|
| Specify details of maintenance order and when and by whom granted or issued and where appropriate details of its registration or confirmation:- |
|---|

(2) Insert name

D.

| |
|--|
| A current maintenance arrestment schedule against the earnings of the debtor (2) was served on the employer (1) by (1) sheriff officer/messenger-at-arms on the instructions of the creditor (2) on 19 . A copy of the said schedule is attached |
|--|

E.

| |
|--|
| The current maintenance arrestment should be recalled (<i>state why you say that you are unlikely to default again in payment maintenance</i>):- |
|--|

This application is made under section 55(2) of the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to the creditor.
 3. To recall the current maintenance arrestment.
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

FORM 40 *The Debtors (Scotland) Act 1987, Section 55(5)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 48(1)

Sheriff Court

APPLICATION FOR DETERMINATION OF DISPUTE IN OPERATION OF CURRENT MAINTENANCE ARRESTMENT

(1) []

..... 19..... (Court Ref No.) APPLICANT

*delete as appropriate

A. The applicant is
*(a) The debtor
*(b) The creditor
*(c) The employer

(1) Insert name and address

B. Other persons having an interest are
*(d) The debtor (1)
*(e) The creditor (1)
*(f) The employer (1)

C. Specify details of maintenance order and when and by whom granted or issued and where appropriate details of its registration or confirmation:-

(2) Insert name

D. A current maintenance arrestment schedule against the earnings of the debtor (2) was served on the employer (2) by (1) sheriff officer/messenger-at-arms on the instructions of the creditor (2) on 19 . A copy of the said schedule is attached

E. The following dispute as to the operation of the current maintenance arrestment requires to be determined (specify nature of the dispute)

This application is made under section 55(5) of the Debtors (Scotland) Act 1987.

- F. The applicant asks the court:-
1. To fix a hearing.
2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant, and to those persons stated above as having an interest.
3. To make an order determining the dispute (specify order sought):-
*4. To order the reimbursement by (name person) to (name person) of £ with interest thereon at the rate of (specify rate) from (specify date) or such other date as the court may consider appropriate.
*5 To order the payment by (name person) to (name person) of £ with interest thereon at the rate of (specify rate) from (specify date) or such other date as the court may consider appropriate.
6. To award expenses (if competent).

Date19..... (Signed) APPLICANT

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

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FORM 41 *The Debtors (Scotland) Act 1987, Section 57(6)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 42 *The Debtors (Scotland) Act 1987, Section 59(5)*

Rule 52(1)

Sheriff Court

APPLICATION FOR ORDER ON EMPLOYER TO PROVIDE INFORMATION (1)

| |
|--|
| |
| |
| |

 19.....
(Court Ref No.) APPLICANT

A.

| |
|--|
| The applicant is A second creditor in terms of section 59(4) of the Debtors (Scotland) Act 1987 |
|--|

(1) Insert name and address

B.

| |
|--|
| Other persons having an interest are The employer (1) |
|--|

C.

| |
|--|
| An earnings arrestment schedule/a current maintenance arrestment schedule against the earnings of the debtor (1) was served on the said employer by (1) sheriff officer/messenger-at-arms on the instructions of the applicant on 19 |
|--|

D.

| |
|--|
| The arrestment did not come into effect because of the terms of section 59 of the Debtors (Scotland) Act 1987 The employer has failed without reasonable excuse to give the following information to the applicant (<i>specify information not given</i>):- The applicant is entitled to this information. |
|--|

This application is made under section 59(5) of the Debtors (Scotland) Act 1987.

- E. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to the employer.
 3. To order the employer to give the information requested to the applicant within such period as the court may order.
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

FORM 43 *The Debtors (Scotland) Act 1987, Section 60(2)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 53(1)

Sheriff Court

Application for a conjoined arrestment order

1. The applicant : (name and address)
 The debtor (employee) : (name and address)
 The employer : (name and address)
2. The applicant is a creditor of the debtor and wishes to enforce his debt by executing an earnings arrestment and/or a current maintenance arrestment against earnings payable to the debtor by the employer.
3. The applicant cannot execute this arrestment as there is already an earnings arrestment and/or a current maintenance arrestment in effect against these earnings.
4. No conjoined arrestment order has been made against these earnings.
5. The applicant's debt consists of

Where there is more than one ordinary debt state details relating to each separately.

| <i>ORDINARY DEBT</i> | <i>CURRENT MAINTENANCE</i> |
|---|---|
| Sum due under decree or other document or summary warrant | Maintenance payable by debtor expressed as a daily rate: |
| expenses : | Is the debtor entitled to deduct income tax from maintenance payable? : Yes/No |
| interest : | Particulars of maintenance order(s) which constituted the obligation to pay maintenance: |
| less paid to account : _____ | Date of any intimation made under section 54(1) of the Act: |
| expenses of executing current maintenance arrestment : | Specify particulars of debtors default in his payments under the maintenance order(s) with reference to either subsection (1) or (2) of section 54 of the Act : |
| expenses of serving charge : | |
| expenses of executing earnings arrestment : | |
| expenses of this application : | |
| TOTAL AMOUNT _____ | |
| RECOVERABLE _____ | |
| Particulars of decree or other document or summary warrant upon which the poinding proceeded (<i>specify</i>) : | |
| Date of any charge : | |

6. The person within the United Kingdom to whom payments are to be made is: (*name and address*).
7. Specify the following information for each of the earnings and/or current maintenance arrestments already in effect against the earnings payable to the debtor by the employer.
 The creditor: (name and address)
 Date and place of execution of the arrestment:
 Debt recoverable or daily rate of maintenance as specified in the arrestment:
 The applicant asks the court to make a conjoined arrestment order which
 - a. Recalls the earnings and/or current maintenance arrestment(s) presently in effect against earnings payable to the debtor by the employer.
 - b. Orders the employer, while the conjoined arrestment order is in effect to deduct a sum calculated in accordance with section 63 of the Debtors (Scotland) Act 1987 from the debtors net earnings on any pay-day and to pay this sum as soon as is reasonably practicable to the sheriff clerk at (*place*).

Date

Signed

Applicant

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Rule 53(4)

Sheriff Court: Court Ref No:

Form of notice of application for a conjoined arrestment order

1. *(Place and Date)*

To *(name and address of person to whom intimation given)*.

This application for a conjoined arrestment order by *(name and address of applicant)* is intimated to you this date.

.....

Sheriff Clerk

2. IF YOU WISH TO OBJECT to the granting of the application you must fill in the box below

| | |
|---|-----------------|
| I intend to object to the granting of the application | |
| Date | Signature |

3. If you have filled in the box above you must return this form to the court within 14 days from the date of this intimation

The address of the court is: THE SHERIFF CLERK,

4. You will then be advised by the sheriff clerk of the date fixed for the hearing of the application when you should attend or be represented at court.

5. PLEASE NOTE if you fail to return this form to the court as directed or if having returned it you fail to attend or be represented at the hearing the application may be dealt with in your absence.

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

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Rule 54(1)

SHERIFF COURT, (*Place*)
UNDER THE DEBTORS (SCOTLAND) ACT 1987, SECTION 60
CONJOINED ARRESTMENT ORDER
IN THE
APPLICATION
BY
(name and address)

(Place and date). The Sheriff RECALLS the following arrestment(s) which have been served on *(name and address of employer)*, the employer of the debtor *(name and address of debtor)* on the following dates:-

1. On *(date)*, for *(amount)*, on behalf of *(name)*
2. Etc

SPECIFIES the amount(s) recoverable under this order as:-

(a) Ordinary debt(s)

| | |
|------------------|--------------------|
| Name of creditor | Amount recoverable |
|------------------|--------------------|

(b) Current Maintenance

| | | |
|-----------------------------------|------------------------|--|
| Name of each maintenance creditor | Daily rate £ | |
| | Aggregate daily rate £ | |

REQUIRES the said employer of the debtor, while this order is in effect to deduct a sum calculated in accordance with section 63 of the Debtors (Scotland) Act 1987 from the said debtor's net earnings on any pay-day and to pay it as soon as is reasonably practical to the sheriff clerk, *(address of sheriff clerk's office)*;

Sheriff

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INSTRUCTIONS TO EMPLOYER

Please read these instructions carefully

1. As soon as this conjoined arrestment order comes into effect, any earnings arrestment and/or current maintenance arrestment against earnings payable by you to your employee is recalled and you must stop making deductions under the(se) arrestments.
2. While this conjoined arrestment order is in effect you are required to deduct a sum from your employee's net earnings on any pay-day and to pay it as soon as is reasonably practicable to the sheriff clerk at (*address of sheriff clerk's office*).
3. When making payment to the sheriff clerk you are required to supply him with the following information:-
 - (1) Name and address of your employee
 - (2) Date of the conjoined arrestment order
 - (3) Sum deducted from his earnings for ordinary debt(s)
 - (4) Sum deducted from his earnings for current maintenance
 - (5) Total sum being paid to the sheriff clerk
 - (6) Whether income tax was deducted from the sum due for current maintenance
4. The sum to be deducted is calculated in accordance with section 63 of the Debtors (Scotland) Act 1987 (a copy of sections 63(1) to (6) is attached) (*sheriff clerk to attach*).
5. You must continue to make these deductions and payments until either-
 - (1) a copy of an order recalling the conjoined arrestment order has been served on you under section 66(7) of the Debtors (Scotland) Act 1987; or
 - (2) the debtor ceases to be employed by you.You should notify the sheriff clerk in writing immediately if the debtor ceases to be employed by you.
6. You are entitled to charge your employee a fee (at present _____) on each occasion you make a payment to the sheriff clerk under the conjoined arrestment order.
7. For further information read the following notes.

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NOTES

- (1) "Earnings" and "net earnings" from which deductions are to be made is defined in section 73 of the Act.
- (2) You are also referred to the following sections of the Act:-
 - 60(9): employers liability where he fails to comply with a conjoined arrestment order
 - 62(2) and (3): employers duty, when a conjoined arrestment order is in effect, to give certain information to a creditor who is not included in the conjoined arrestment order and who has served or has in effect an earnings arrestment or a current maintenance arrestment.
 - 65(1): Sheriffs power on an application by the debtor, a creditor whose debt is being enforced by a conjoined arrestment order, the employer or the sheriff clerk to determine any dispute as to the operation of a conjoined arrestment order.
 - 66(1): Sheriff's power to recall a conjoined arrestment order where, in particular, all ordinary debts have been paid and all obligations to pay current maintenance have ceased.
 - 66(4): Sheriff's power to vary a conjoined arrestment order where, for example an ordinary debt is paid or a maintenance order being enforced is varied or recalled.
 - 69(3): If deductions are not made on the first pay-day after service of the conjoined arrestment order in accordance with section 69(2) of the Act, deductions made on a subsequent pay-day are not to include any deductions in respect of the first pay-day.

Further information and advice about the Act is available from solicitors offices, Citizens Advice Bureaux and other local advice centres, and sheriff clerks' offices.

FORM 46

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 54(5)

SHERIFF COURT:

NOTICE OF SERVICE OF CONJOINED ARRESTMENT ORDER

To _____, the debtor's employer.

To _____, debtor.

To _____, creditor.

You are served with a copy of the foregoing conjoined arrestment order along with a copy of sections 63(1) to (6) of the Debtors (Scotland) Act 1987. It comes into effect seven days after service of the copy order on the employer and remains in effect until a copy of an order recalling it is served on the employer under section 66(7) of the Debtors (Scotland) Act 1987 or the debtor ceases to be employed by him. The employer should notify the Sheriff Clerk in writing immediately if the debtor ceases to be employed by him.

Sheriff Clerk
Sheriff Clerk's Office
(Address and date)

Officer of Court
(name and address, designation)

All creditors whose arrestments have been recalled by the foregoing conjoined arrestment order and are included in it must inform the sheriff clerk in writing within 14 days of receiving this notice of the name and address of a person within the United Kingdom to whom payments are to be made by him under the order.

FORM 47 *The Debtors (Scotland) Act 1987, Section 60(9)(c)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 55(1)

Sheriff Court

APPLICATION FOR WARRANT FOR DILIGENCE AGAINST EMPLOYER

(1)

| |
|--|
| |
| |
| |

19.....
(Court Ref No.)
APPLICANT

A.

| | |
|----|---|
| A. | The applicant is (a) The sheriff clerk |
|----|---|

(1) Insert name and address

B.

| | |
|----|--|
| B. | Other persons having an interest are (b) The employer (1) (c) The debtor (1) (d) The creditors whose debts are being enforced by the conjoined arrestment order (1) |
|----|--|

(2) Insert name

C.

| | |
|----|--|
| C. | A conjoined arrestment order against the earnings of the debtor (2) was made on (date) by the sheriff at (place) and was served on the employer (2) by or on the instructions of the sheriff clerk (place) on (date) |
|----|--|

D.

| | |
|----|---|
| D. | The employer has failed to comply with the conjoined arrestment order (specify manner and circumstances of this failure):- The employer is accordingly liable to pay to the sheriff clerk £ which he would have paid if he had complied with the order. |
|----|---|

This application is made under section 60(9)(c) of the Debtors (Scotland) Act 1987.

- E. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the employer, the debtor and the creditors whose debts are being enforced by the conjoined arrestment order.
 3. To order the employer to pay to the sheriff clerk (place) £ .
 4. To grant warrant for diligence against the employer for recovery of this sum or such other sum as appears to the court to be due.
 5. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 56(1)

Sheriff Court

APPLICATION FOR ORDER ON EMPLOYER TO PROVIDE INFORMATION

(1)

| |
|--|
| |
| |
| |

..... 19.....
(Court Ref No.)
 APPLICANT

- A.

| |
|--|
| The applicant is |
| The creditor who requires information under section 62(2) or (3) |

- (1) Insert name and address
- B.

| |
|--------------------------------------|
| Other persons having an interest are |
| The employer (1) |

- *delete as appropriate
- C.

| | |
|--|-----|
| *An earnings arrestment schedule/*a current maintenance arrestment schedule against the earnings of the debtor (1) | was |
| served on the said employer by (1) | |
| sheriff officer/messenger-at-arms on the instructions of the applicant | |
| on | 19 |

- D.

| |
|--|
| The arrestment *did not come into effect/*has ceased to have effect as a conjoined arrestment order is in effect. |
| The employer has failed without reasonable excuse to inform the applicant which court made the conjoined arrestment order. |
| The applicant is entitled to this information. |

This application is made under section 62(4) of the Debtors (Scotland) Act 1987.

- E. The applicant asks the court:-
 1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to the employer.
 3. To order the employer to inform the applicant which court made the conjoined arrestment order within such period as the court may order.
 4. To award expenses (if competent).

Date19..... (Signed)

APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 57(1)

Sheriff Court

Application for variation of a conjoined arrestment order

1. The applicant : (name and address)
 The debtor (employee) : (name and address)
 The employer : (name and address)
2. The applicant is a creditor of the debtor and wishes to enforce his debt by executing an earnings arrestment and/or a current maintenance arrestment against earnings payable to the debtor by the employer.
3. The debt cannot be enforced by executing an earnings arrestment or a current maintenance arrestment as a conjoined arrestment order is in effect against these earnings.
4. The conjoined arrestment order was made on (date) by the court at (address of court).
5. The applicant's debt consists of

| | | |
|---|--|--|
| Where there is more than one ordinary debt state details relating to each separately. | <p style="text-align: center;">ORDINARY DEBT</p> Sums due under decree or other document or summary: warrant : expenses : interest : less paid to account : _____ expenses of executing current: maintenance arrestment : expenses of serving charge : expenses of executing earnings arrestment : expenses of this application : TOTAL AMOUNT _____ RECOVERABLE _____ Particulars of decree or other document or summary warrant which constituted the debt: (specify) Date of any charge | <p style="text-align: center;">CURRENT MAINTENANCE</p> Maintenance payable by the debtor expressed as a daily rate: Is the debtor entitled to deduct income tax from maintenance payable? : Yes/No Particulars of maintenance order(s) which constituted the obligation to pay maintenance: Date of any intimation made under section 54(1) of the Act: Particulars of debtors default in his payments under the maintenance order(s) with reference to either subsection (1) or (2) of section 54 of the Act : |
|---|--|--|

6. The person within the United Kingdom to whom payments are to be made is: (name and address).

The applicant asks the court:-

To vary the conjoined arrestment order granted on (date) to include the applicant's debt among the debts being enforced by the conjoined arrestment order.

Date Signed
Applicant

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 57(3)(a)

Sheriff Court: Court Ref No:

Form of notice of application for variation of a conjoined arrestment order

1. (Place and Date)

To (name and address of person to whom intimation given).

This application for a variation of a conjoined arrestment order by (name and address of applicant) is intimated to you this date.

.....

Sheriff Clerk

2. IF YOU WISH TO OBJECT to the granting of the application you must fill in the box below

| | |
|---|-----------------|
| I intend to object to the granting of the application | |
| Date | Signature |

3. If you have filled in the box above you must return this form to the court within 14 days from the date of this intimation.

The address of the court is: THE SHERIFF CLERK,

4. You will then be advised by the sheriff clerk of the date fixed for the hearing of the application when you should attend or be represented at court.

5. PLEASE NOTE if you fail to return this form to the court as directed or if having returned it, you fail to attend or be represented at the hearing, the application may be dealt with in your absence.

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

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Rule 57(7)(b)

SHERIFF COURT:

NOTICE OF SERVICE OF AN ORDER VARYING A CONJOINED ARRESTMENT ORDER UNDER SECTION 62(5) OF THE DEBTORS (SCOTLAND) ACT 1987

To _____, the debtor's employer.

To _____, debtor.

To _____, creditor.

You are served with (1) copy of an order dated _____ varying a conjoined arrestment order made on _____

(2) a copy of the conjoined arrestment order as varied

(3) a copy of subsections (1) to (6) of section 63 of the Debtors (Scotland) Act 1987.

The employer is required to operate the conjoined arrestment order as varied seven days after service of the copy order on him, although he may operate it on any pay-day occurring within this seven day period. The conjoined arrestment order as varied remains in effect until a copy of an order recalling it is served on the employer under section 66(7) of the Debtors (Scotland) Act 1987 or the debtor ceases to be employed by him. The employer should notify the Sheriff Clerk in writing immediately if the debtor ceases to be employed by him.

Sheriff Clerk
Sheriff Clerk's Office
(Address and date)

Officer of Court
(Name, designation and address)

FORM 52 *The Debtors (Scotland) Act 1987*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 58(1)(a)

Intimation to employer under section 63(7)

The employer : (name and address)
 The debtor (employee) : (name and address)
 The sheriff clerk : (name and address)
 Date of conjoined arrestment order : (specify)
 Date order served on employer : (specify)
 Date of order varying the conjoined arrestment order : (specify)
 Date varied order served on employer : (specify)

To the employer—Take note that on (date) the Lord Advocate made regulations which varied

*delete as appropriate

- * (a) Tables A, B and C of Schedule 2 to the Debtors (Scotland) Act 1987 (the statutory deduction tables)
- * (b) The percentage specified in subsection (5) and (6)(a)(ii) of section 49 of the Debtors (Scotland) Act 1987 to (specify change)
- * (c) The sum specified in subsection 4(b) of section 63 of the Debtors (Scotland) Act 1987 to £

The regulations come into operation on (date)

Date (Signed).....
 Sheriff Clerk

- (i) This intimation should be considered carefully by the employer as the variation(s) made by regulations referred to may affect the sum to be deducted by him under the conjoined arrestment order (see further section 69(1), (2) and (3) of the Debtors (Scotland) Act 1987).
- (ii) The sheriff clerk must attach to this intimation the statutory deduction tables as revised where these have been varied by the regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 58(1)(b)

— *Intimation to employer under section 63(8)*

- The employer : *(name and address)*
- The debtor (employee) : *(name and address)*
- The sheriff clerk : *(name and address)*
- Date of conjoined arrestment order : *(specify)*
- Date order served on employer : *(specify)*
- Date of order varying the conjoined arrestment order : *(specify)*
- Date varied order served on employer : *(specify)*

To the employer—Take note that on (date) the small maintenance limits mentioned in section 351(2) of the Income and Corporation Taxes Act 1988 were changed to (specify change):—

The changes come into operation on *(date)*

Date *(Signed)*.....
Sheriff Clerk

- (i) This intimation should be considered carefully by the employer as the change made may affect the sum to be deducted by him under the conjoined arrestment order.
- (ii) The sheriff clerk must attach to this intimation a copy of section 351(2) of the Income and Corporation Taxes Act 1988.

FORM 54 *The Debtors (Scotland) Act 1987, Section 65(1)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 59(1)

Sheriff Court

APPLICATION FOR DETERMINATION OF DISPUTE IN OPERATION OF CONJOINED ARRESTMENT ORDER

(1) [Empty box for name and address]

..... 19..... (Court Ref No.) APPLICANT

*delete as appropriate

A. The applicant is
*(a) The debtor
*(b) A creditor whose debt is being enforced by the conjoined arrestment order
*(c) The employer
*(d) The sheriff clerk

(1) Insert name and address

B. Other persons having an interest are
*(e) The debtor (1)
*(f) (Other) creditors whose debts are being enforced by the conjoined arrestment order (1)
*(g) The employer (1)
*(h) The sheriff clerk (1)

C. A conjoined arrestment order against the earnings of the debtor (1) was made on (date) by the sheriff at (place)

D. The following dispute as to the operation of the conjoined arrestment order requires to be determined (specify nature of the dispute)

This application is made under section 65(1) of the Debtors (Scotland) Act 1987.

- E. The applicant asks the court:-
1. To fix a hearing.
2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to those persons stated above as having an interest other than himself.
3. To make an order determining the dispute (specify order sought).
*4. To order the reimbursement by (name person) to (name person) of £ with interest thereon at the rate of (specify rate) from (specify date) or such other date as the court may consider appropriate.
*5. To order the payment by (name person) to (name person) of £ with interest thereon at the rate of (specify rate) from (specify date) or such other date as the court may consider appropriate.
6. To award expenses (if competent).

Date19..... (Signed)

APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 55 The Debtors (Scotland) Act 1987, Section 65(7)

Rule 60(1)

Sheriff Court

APPLICATION FOR PAYMENT BY CREDITOR TO DEBTOR OF PENALTY SUM (CONJOINED ARRESTMENT ORDER)

(1)

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|--|
| |
| |
| |

 19.....
(Court Ref No.)
APPLICANT

A.

| |
|--------------------------------|
| The applicant is The debtor |
|--------------------------------|

(1) Insert name and address

B.

| |
|--|
| Other persons having an interest are The creditor (1) |
|--|

C.

| |
|--|
| A conjoined arrestment order against the earnings of the debtor was made on <i>(date)</i> by the sheriff at <i>(place)</i> |
|--|

(2) Insert name
*delete as appropriate

D.

| |
|--|
| *An ordinary debt/*current maintenance due to the said creditor (2) was included in the conjoined arrestment order. The creditor failed to intimate to the sheriff clerk <i>(place)</i> that:- *(a) The debt recoverable had been paid or otherwise extinguished. *(b) The debt had ceased to be enforceable by diligence. *(c) The obligation to pay the current maintenance had ceased. *(d) The obligation to pay the current maintenance had ceased to be enforceable by diligence. <i>(Specify when and how (a), (b), (c) or (d) occurred):-</i> The debtor overpaid £ as a result of this failure. <i>(Give details of the calculation of this sum and grounds for seeking the sum sought from the creditor):-</i> |
|--|

This application is made under section 65(7) of the Debtors (Scotland) Act 1987.

- E. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to the creditor.
 3. To order the creditor to pay to the debtor £ *(specify amount requested).*
 4. To award expenses (if competent).

Date19..... (Signed)

APPLICANT

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

FORM 56 The Debtors (Scotland) Act 1987, Section 66(1)(a)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 61(1)

Sheriff Court

APPLICATION FOR RECALL OF CONJOINED ARRESTMENT ORDER (1) 19.....
 (Court Ref No.) APPLICANT

*delete as appropriate

A. The applicant is

- *(a) The debtor
- *(b) A creditor whose debt is being enforced by the conjoined arrestment order
- *(c) The person on whom a copy of the conjoined arrestment order or an order varying the order was served under section 60(7) or 62(6) of the Act
- *(d) The sheriff clerk
- *(e) An interim/permanent trustee of the debtor

(1) Insert name and address

B. Other persons having an interest are

- *(f) The debtor (1)
- *(g) (Other) creditors whose debts are being enforced under the conjoined arrestment order (1)
- *(h) (Other) persons on whom a copy of the conjoined arrestment order or an order varying the order was served under section 60(7) or 62(6) of the Act (including the employer) (1)
- *(i) The sheriff clerk (1)
- *(j) An interim/permanent trustee of the debtor (1)

(2) Insert name

C. A conjoined arrestment order against the earnings of the debtor (2) was made on (date) by the sheriff at (place)

D.

- *(a) The conjoined arrestment order is invalid. (Specify why it is claimed to be invalid):-
- *(b) All the ordinary debts being enforced by the conjoined arrestment order have been paid or otherwise extinguished or have ceased to be enforceable by diligence and all the obligations to pay current maintenance being so enforced have ceased or have ceased to be enforceable by diligence. (Specify when and how these matters occurred):-
- *(c) The debtor's estate has been sequestrated (specify date of sequestration)

This application is made under section 66(1)(a) of the Debtors (Scotland) Act 1987.

- E. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to those persons stated above as having an interest other than himself.
 - *3. To dispense with a hearing and intimation.
 4. To recall the conjoined arrestment order.
 - *5. To make the following consequential order (specify order sought).
 6. To award expenses (if competent).

Date19..... (Signed)
 APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 57 The Debtors (Scotland) Act 1987, Section 66(1)(b)

Rule 62(1)

Sheriff Court

APPLICATION FOR
RECALL OF CONJOINED
ARRESTMENT ORDER
(BY ALL CREDITORS
WHOSE DEBTS ARE
BEING ENFORCED BY
IT)

(1)

| |
|--|
| |
| |
| |

..... 19.....
(Court Ref No.)
APPLICANT

A.

| |
|--|
| The applicants are The creditors whose debts are being enforced by a conjoined arrestment order (1) |
|--|

(1) Insert name and address

B.

| |
|--|
| Other persons having an interest are The debtor (1) |
|--|

(2) Insert name

C.

| |
|--|
| A conjoined arrestment order against the earnings of the debtor (2) was made on (date) by the sheriff at (place) |
|--|

D.

| |
|--|
| The conjoined arrestment order should be recalled (specify reasons for application and any consequential order sought) |
|--|

This application is made under section 66(1)(b) of the Debtors (Scotland) Act 1987.

- E. The applicants ask the court:-
1. To order such intimation (if any) and further procedure that the court considers appropriate.
 2. To recall the conjoined arrestment order.
 3. To make the following consequential order (specify order sought).
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

FORM 58 The Debtors (Scotland) Act 1987, Section 66(4)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 63(1)

Sheriff Court

APPLICATION FOR VARIATION OF CONJOINED ARRESTMENT ORDER

(1)

| |
|--|
| |
| |
| |

..... 19.....
(Court Ref No.)
APPLICANT

*delete as appropriate

A. The applicant is

- *(a) The debtor
- *(b) A creditor whose debt is being enforced by the conjoined arrestment order
- *(c) The employer
- *(d) The sheriff clerk

(1) Insert name and address

B. Other persons having an interest are

- *(e) The debtor (1)
- *(f) (Other) creditors whose debts are being enforced by the conjoined arrestment order (1)
- *(g) The employer (1)
- *(h) The sheriff clerk (1)

(2) insert name

C. A conjoined arrestment order against the earnings of the debtor (2) was made on (date) by the sheriff at (place)

D.

- *(a) An ordinary debt being enforced by the conjoined arrestment order has been paid or otherwise extinguished or has ceased to be enforceable by diligence (give details of when and how this occurred):-
- *(b) An order or decree has come into effect which varies/supercedes/recalls a maintenance order being enforced by the conjoined arrestment order (give details of the order or decree which varied, superceded or recalled the maintenance order):-
- *(c) An obligation to pay maintenance being enforced by the conjoined arrestment order has ceased or has ceased to be enforceable in Scotland (give details of when and how this occurred):-

The conjoined arrestment order should accordingly be varied (specify variation required):-

This application is made under section 66(4) of the Debtors (Scotland) Act 1987.

- E. The applicant asks the court:-
1. To fix a hearing.
 2. To order the sheriff clerk to intimate this application and the date of the hearing to the applicant and to those persons stated above as having an interest other than himself.
 3. To vary the conjoined arrestment order as requested.
 4. To award expenses (if competent).

Date19..... (Signed)
APPLICANT

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 59

Rule 65(3)(b)

SHERIFF COURT:

Notice of Service of an Order Varying a Conjoined Arrestment Order under Section 66 of the Debtors (Scotland) Act 1987

To *(Name and address of persons upon whom service is made)*

- You are served with (1) a copy of an order dated _____ varying a conjoined arrestment order made on _____
- (2) a copy of the conjoined arrestment order as varied
- (3) a copy of subsections (1) to (6) of section 63 of the Debtors (Scotland) Act 1987

The variation comes into effect seven days after service of the copy order on the employer and the conjoined arrestment order as varied remains in effect until a copy of an order recalling it is served on the employer under section 66(7) of the Debtors (Scotland) Act 1987 or the debtor ceases to be employed by the employer. The employer should notify the sheriff clerk in writing immediately if the debtor ceases to be employed by him.

Sheriff Clerk
Sheriff Clerk's Office
(Address and date)

Officer of Court
(Name, designation and address)

FORM 60 *Certificate of execution of earnings arrestment schedule/current maintenance arrestment schedule*

Rule 67

(Place and date)

I _____ certify that on *(date)* I served the foregoing earnings arrestment schedule/current maintenance arrestment schedule on *(name and address of employer)* employer of the debtor *(name and address of debtor)*. This I did by *(state method of service)*.

Officer of Court
(Name, designation and address)

FORM 61 SUMMARY WARRANT FOR THE RECOVERY OF

Rule 68(1)

1. Rates under the Local Government (Scotland) Act 1947, section 247.
2. Community charge under the Abolition of Domestic Rates Etc. (Scotland) Act 1987, Schedule 2, Paragraph 7.

(Place and Date)

The sheriff having considered the application dated _____ by *(name and address of applicant)* along with certificate produced and it being stated in the application that an action has not been commenced for the recovery of any amount due Grants a Summary Warrant authorising the recovery of the amount remaining due and unpaid by each person specified in the application along with a surcharge of 10 per cent (or such percentage as may be prescribed) of that amount by:-

- (a) a poinding and sale in accordance with Schedule 5 to the Debtors (Scotland) Act 1987;
- (b) an earnings arrestment;
- (c) an arrestment and action of furthcoming or sale.

Further Grants Warrant to *(name and address)* _____ sheriff officer to enter premises in the occupancy of any person specified in the application in order to execute a poinding or sale or the removal and sale of the poinded articles and for any of those purposes to open shut and lockfast places.

FORM 62SUMMARY WARRANT FOR THE RECOVERY OF

Rule 68(2)

1. Rates under the Local Government (Scotland) Act 1947, section 250.

(Place and Date)

The sheriff having considered the application dated _____ by *(name and address of applicant)* and being satisfied that the person specified in the application has removed/is about to remove/that there is reason to suspect his removal from the land and heritages referred to in the application Grants a Summary Warrant authorising the recovery of the amount remaining due and unpaid by such person by:-

- (a) a poinding and sale in accordance with Schedule 5 to the Debtors (Scotland) Act 1987;
- (b) an earnings arrestment;
- (c) an arrestment and action of furthcoming or sale.

Further Grants Warrant to *(name and address)* _____ sheriff officer to enter premises in the occupancy of the person specified in the application in order to execute a poinding or sale or the removal and sale of the poinded articles and for any of those purposes to open shut and lockfast places.

FORM 63SUMMARY WARRANT FOR THE RECOVERY OF

Rule 68(3)

1. Tax under the Taxes Management Act 1970, section 63 etc.
2. Car Tax under the Car Tax Act 1983 Schedule 1, paragraph 3(3).
3. Value Added Tax under Value Added Tax Act 1983 Schedule 7, paragraph 6(5).

(Place and Date)

The sheriff having considered the application dated _____ by *(name and address of applicant)* along with certificate produced _____ Grants a Summary Warrant authorising the recovery of the amount remaining due and unpaid by each person specified in the application by:-

- (a) a poinding and sale in accordance with Schedule 5 to the Debtors (Scotland) Act 1987;
- (b) an earnings arrestment;
- (c) an arrestment and action of furthcoming or sale.

Further Grants Warrant to *(name and address)* _____ sheriff officer to enter premises in the occupancy of any person specified in the application in order to execute a poinding or sale or the removal and sale of the poinded articles and for any of those purposes to open shut and lockfast places.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 64WARRANT FOR INTIMATION

Rule 73(1)

*delete as appropriate
†state other person(s) as the Sheriff may direct

(Place and date)

The sheriff grants warrant to intimate the foregoing application and this warrant to the applicant, to the other person(s) stated in the application as having an interest [or to the therein designed] and *to the sheriff officer/messenger-at-arms named in the application.†

Fixes as a hearing (*date*) at (*time*) within the Sheriff Court House (*address of court*).

1. *Requires the applicant* to appear or be represented at the hearing to show why the application should be granted.
2. *Requires the other persons to whom intimation is given* to appear or be represented at the hearing if they intend to oppose the application.
- *3. *Directs the sheriff officer/messenger-at-arms* to send a copy of the pointing schedule to the sheriff clerk before the date of the hearing.

Sheriff

To (*name of person receiving intimation*)

The application and warrant is hereby intimated to you.

Sheriff Clerk Depute
Date

TAKE NOTE

To the applicant

If you fail to appear or be represented at the hearing fixed your application may be dismissed.

To the other persons to whom intimation is given

If you fail to appear or be represented at the hearing fixed the application may be dealt with in your absence.