



# **Scotland**

**enforcement system e-manual**





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# WHAT IS ENFORCED

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## Monetary Claims

01



## Non-Monetary Claims

- Handing over movable assets
- Eviction
- Obligations to act, refrain from acting or suffer action
- Reinstatement of employee to work

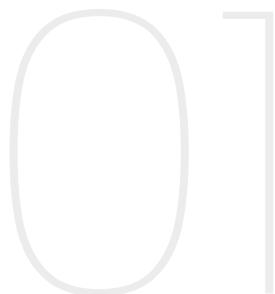
02

# WHO ENFORCES

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## Judicial Officer



### **Sheriff Officer**

- servicing Sheriff Court (lower local court)

### **Messenger-at-Arms**

- servicing Court of Session (supreme civil court)

**Liberal profession, holding public office (“personal commission” issued by judge to operate in their jurisdiction)**

### **Competences**

- Enforcement
- Hand service of documents
  - where registered postal service has failed/postal service is not permitted
  - judicial officer accompanied by colleague to “witness”/verify service

# ENFORCEMENT PROCEDURE

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## Enforceable title

- Usually judgment (“extract decree”) in relation to personal, commercial or family law dispute
- other title



## Creditor's written request



## Judicial officer



## Initiation of enforcement (Diligence)

- Charge for Payment (demand to pay) hand served to debtor by judicial officer and witness



## Next stages of enforcement

### Methods determined based on debtor's circumstances

- Earnings Arrestment (enforcement against wages)
- Bank Arrestment (attachment on debtor's bank account)
- Attachment and Auction (enforcement against movable assets in business/out of residence)
- Exceptional Attachment (enforcement against movable assets in residence)
- Inhibition (preventative measure, stopping debtor from selling immovable property)

# HOW LONG DOES THE PROCESS LAST

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## Initial litigation process

- Duration varies from **2-3 months to several years**, depending on debt's value, dispute's nature and whether the action is defended.

## Enforcement process

- Earnings Arrestment: approximately **1 month**
- Bank Arrestment: bank's declaration on **freezing within 3 weeks** and **release of money to creditor after 14 weeks**
- Attachment of movable assets: **2-3 months**
- Inhibition: **2 weeks from service and registration**
  - In force for 5 years (extendable)

# HOW MUCH DOES THE PROCESS COST

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- Service of document under EU Regulation 1393/2007 – **EUR 157.00**
- Charge for Payment – **EUR 115.00**
- Service of Bank Arrestment – **EUR 115.00**
- Service of and Earnings Arrestment (postal) – **EUR 72.00**
- Attachment of moveable goods value of euro 1000.00 – **EUR 180.00**
- Attachment of moveable goods value of euro 5000.00 – **EUR 510.00**
- Auction of moveable goods – **EUR 300.00 + expenses** (removal/tradesmen)
- Service of Inhibition – **EUR 115.00**

