

2009 No. 98

ENFORCEMENT

**The Diligence against Earnings (Variation) (Scotland)
Regulations 2009**

<i>Made</i> - - - -	<i>9th March 2009</i>
<i>Laid before the Scottish Parliament</i>	<i>10th March 2009</i>
<i>Coming into force</i> - -	<i>6th April 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 49(7)(a), 53(3) and 63(6) of the Debtors (Scotland) Act 1987(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Diligence against Earnings (Variation) (Scotland) Regulations 2009 and come into force on 6th April 2009.

(2) In these Regulations, “the Act” means the Debtors (Scotland) Act 1987.

Rate of deductions in diligence against earnings

2. In the Act—

- (a) in each of sections 53(2)(b) and 63(4)(b) (which make provision as respects the sum to be deducted from earnings by an employer in certain cases), for “£12”(b) substitute “£13.50”; and
- (b) for Tables A, B and C of Schedule 2(c) (which set out the deductions to be made under earnings arrestments), substitute respectively Tables A, B and C set out in the Schedule to these Regulations.

FERGUS EWING

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
9th March 2009

(a) 1987 c.18. The functions of the Lord Advocate were transferred to the Secretary of State by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), and to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).
(b) This sum was most recently substituted by S.S.I. 2006/116.
(c) Tables A, B and C were most recently substituted by S.S.I. 2006/116.

SCHEDULE

Regulation 2(b)

TABLE A: DEDUCTIONS FROM WEEKLY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £94	Nil
Exceeding £94 but not exceeding £617	20% of weekly earnings exceeding £94
Exceeding £617	£104.60 plus 50% of weekly earnings exceeding £617

TABLE B: DEDUCTIONS FROM MONTHLY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £410	Nil
Exceeding £410 but not exceeding £2,680	20% of monthly earnings exceeding £410
Exceeding £2,680	£454 plus 50% of monthly earnings exceeding £2,680

TABLE C: DEDUCTIONS FROM DAILY EARNINGS

<i>Net Earnings</i>	<i>Deduction</i>
Not exceeding £13.50	Nil
Exceeding £13.50 but not exceeding £88	20% of daily earnings exceeding £13.50
Exceeding £88	£14.90 plus 50% of daily earnings exceeding £88

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 makes changes to certain figures relating to diligence against earnings in Part III of the Debtors (Scotland) Act 1987 (“the Act”).

Regulation 2(a) increases the figure set out in sections 53(2)(b) and 63(4)(b) of the Act, used in the calculation of deductions from a person’s pay when that pay is subject to a current maintenance arrestment or conjoined arrestment order, from £12 to £13.50.

Regulation 2(b) substitutes new Tables A, B and C for those in Schedule 2 to the Act which set out the deductions to be made from a person’s pay when that pay is subject to an earnings arrestment.

These new figures reflect the median earnings in the Office for National Statistics’ 2008 Annual Survey of Hours and Earnings, which have increased since the figures were last amended in 2006 by the Diligence against Earnings (Variation) (Scotland) Regulations 2006.

In accordance with sections 53(5), 63(8) and 69(1) and (2) of the Act, these Regulations do not apply to existing diligences until they are intimated to employers, unless employers choose to apply them. If they do not choose to do so the figures contained in the Diligence against Earnings (Variation) (Scotland) Regulations 2006 will continue to apply until intimation takes place.

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