



FORM 20D

# The Simple Procedure Arrestment Notice

This is an Arrestment Notice. It is used when the court makes a provisional order and the provisional order is an arrestment on the dependence.

The purpose of the Arrestment Notice is to inform the third party who holds the respondent's goods or money that they have been frozen by the court. It is formally served on that person by a sheriff officer.

## A. ABOUT THE CASE

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Sheriff Court

Claimant

Respondent

Case reference number

## B. ABOUT THE THIRD PARTY

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### B1. Is the third party an individual, a company or an organisation?

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An individual (including a sole trader)

① Please complete B2.

A company or organisation

① Please complete B3.

### B2. What is the third party's full name?

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① If the third party is an individual trading under a business name, please also give that name.

Name

Middle name

Surname

Trading name (if any)

### **B3. What is the third party's company name or organisation name?**

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- ① If the third party is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.
- ① You can check the name of a company on the Companies House website.

Name

Company type

Company registration number (if limited company or LLP)

Trading name (if any)

### **B4. What are the third party's contact details?**

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Address

City

Postcode

Email address

## **C. PROTECTED MINIMUM BALANCE**

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- ① Section 73F of the Debtors (Scotland) Act 1987 prevents the arrestment of money held by a bank or other financial institution below a certain minimum balance if various conditions are met.
- ① This Part of the Form identifies whether the Protected Minimum Balance applies to this arrestment.

### **C1. Is the respondent an individual?**

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Yes

① Please complete C2.

No

① The Protected Minimum Balance does not apply. Go to Part D.

### **C2. Is the third party a bank or other financial institution?**

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① See section 73F(5) of the Debtors (Scotland) Act 1987 for a definition of bank or other financial institution.

Yes

① Please complete C3.

No

① The Protected Minimum Balance does not apply. Go to Part D.

**C3. Is the bank account one to which section 73F of the Debtors (Scotland) Act 1987 applies?**

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① See section 73F(2).

Yes

① The Protected Minimum Balance applies. Please complete C4.

No

① The Protected Minimum Balance does not apply. Go to Part D.

**C4. If it applies, what is the Protected Minimum Balance?**

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① Insert the Protected Minimum Balance, which is calculated in accordance with section 73F(4).

**D. ABOUT THE ARRESTMENT ON THE DEPENDENCE**

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Date of order for arrestment on the dependence

Name of sheriff officer

Address

Witness

Method of formal service

Date and time of formal service

**IN HER MAJESTY'S NAME AND AUTHORITY AND IN NAME AND AUTHORITY OF THE SHERIFF**, the sheriff officer arrests in your hands:

- any moveable property that belongs to the respondent, and
- the following sum of money, more or less, that is due by you to the respondent or to another person on behalf of the respondent

Sum arrested

Signature of sheriff officer

## **E. DUTIES OF THE THIRD PARTY**

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### **E1. Compliance with the arrestment**

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You must retain anything that has been arrested in your hands under arrestment until one of the following things happens:

- the court makes an order transferring them to the claimant, or
  - the court makes another order telling you what to do with them.
- ① **You should take legal advice before you hand over any goods to the respondent or pay any money to the respondent or someone else on behalf of the respondent.**

### **E2. Duty of disclosure**

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- ① Section 73G of the Debtors (Scotland) Act 1987 requires you to disclose certain information to the claimant.

You must disclose to the claimant the nature and value of the goods and money which have been attached by this arrestment.

You must do this within the period of 3 weeks beginning with the day on which this arrestment is formally served on you.

You must make your disclosure using the form in Schedule 8 to the Diligence (Scotland) Regulations 2009.

You must also send a copy of the disclosure to:

- the respondent, and
- so far as known to you, any other relevant person.

A relevant person is someone (either solely or in common with the respondent):

- who owns or claims to own the attached goods, or

- to whom the attached money is or is claimed to be due.
- ① Failure to comply with this duty may lead to a financial penalty under section 73H of the Debtors (Scotland) Act 1987.
- ① Failure to comply may also be dealt with as a contempt of court.

**If you wish further advice, please contact any Citizens Advice Bureau, local advice centre, sheriff clerk or solicitor.**