



Debtors (Scotland) Act 1880

1880 CHAPTER 34 43 and 44 Vict

An Act to abolish Imprisonment for Debt, and to provide for the better Punishment of Fraudulent Debtors in Scotland; and for other purposes. [7th September 1880]

Annotations:

Modifications etc. (not altering text)

C1 Act explained (5.4.1993) by [Child Support Act 1991 \(c. 48, SIF 20\)](#), [s. 40\(13\)](#); S.I. 1992/2644, [art.2](#)

Commencement Information

II Act wholly in force at Royal Assent

[^{F1}1 **Short title.**

This Act may be cited for all purposes as the Debtors (Scotland) Act 1880.]

Annotations:

Amendments (Textual)

F1 [Ss. 1, 2](#) repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), [Sch. 1](#)

[^{F2}2 **Extent of title.**

This Act shall extend to Scotland only.]

Annotations:

Amendments (Textual)

F2 [Ss. 1, 2](#) repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), [Sch. 1](#)

Status: Point in time view as at 05/04/1993.

Changes to legislation: There are currently no known outstanding effects for the Debtors (Scotland) Act 1880. (See end of Document for details)

Annotations:

Amendments (Textual)

F3 Ss. 3, 5–16 and Sch. repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), **Sch. 1**

Abolition of Imprisonment for Debt

4 Abolition of imprisonment for debt, with certain exceptions.

With the exceptions herein-after mentioned, no person shall be apprehended or imprisoned on account of any civil debt.

There shall be excepted from the operation of the above enactment,—

[^{F4}(1) Taxes, fines, or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed:]

[^{F4}(1) Fines imposed for contempt of court or under section 91 of the Court of Session Act 1868.]

(2) Sums decerned for aliment:

[^{F5}Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months.]

Nothing contained in this Act shall affect or prevent the apprehension or imprisonment of any person under [^{F5}a warrant granted against him as being in meditatione fugæ, or under]any decree [^{F5}or obligation]ad factum præstandum.

Annotations:

Amendments (Textual)

F4 S. 4 para. 1 beginning “Fines imposed” substituted (S.) for para. 1 beginning “Taxes, fines” by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108, Sch. 6 para. 8, Sch. 7 paras. 5, **9(1)**

F5 Proviso and words repealed (S.) by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108, Sch. 7 paras. 5, 9(1), **Sch. 8**

Modifications etc. (not altering text)

C2 S. 4 restricted by [Crown Proceedings Act 1947 \(c. 44\)](#), **ss. 26(2)**, 49

5—16. ^{F6}

Annotations:

Amendments (Textual)

F6 Ss. 3, 5–16 and Sch. repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), **Sch. 1**

Status: Point in time view as at 05/04/1993.

Changes to legislation: *There are currently no known outstanding effects for the Debtors (Scotland) Act 1880. (See end of Document for details)*

F7 SCHEDULE

Annotations:

Amendments (Textual)

F7 Ss. 3, 5–16 and Sch. repealed by [Bankruptcy \(Scotland\) Act 1913 \(c. 20\)](#), **Sch. 1**

Status:

Point in time view as at 05/04/1993.

Changes to legislation:

There are currently no known outstanding effects for the Debtors (Scotland) Act 1880.