

CHAPTER 59

APPLICATIONS FOR LETTERS

Applications for letters of arrestment or inhibition

59.1.-(1) An application for letters of arrestment or inhibition may be made, as the case may be, in-

- (a) Form 59.1-A (arrestment);
- (b) Form 59.1-B (inhibition where decree granted, foreign judgment registered for execution or other document having the same force and effect as an extract of a decree of the Court of Session);
- (c) Form 59.1-C (inhibition on deed registered for execution);
- (d) Form 59.1-D (inhibition on dependence of action in sheriff court);
- (e) Form 59.1-E (inhibition in respect of future or contingent debt); or
- (f) Form 59.1-F (inhibition on contract for transfer of heritable property).

(2) An application under paragraph (1) shall be presented to the Deputy Principal Clerk together with any relevant supporting documents.

(3) Except where the application is in Form 59.1-D or 59.1-E, if the Deputy Principal Clerk is satisfied that the applicant for such letters is entitled to a warrant for arrestment or inhibition-

- (a) he shall sign and date the warrant in such an application; and
- (b) the application shall be signeted;

and such signeted application and warrant shall constitute letters of arrestment or inhibition, as the case may be.

(4) Where the application is in any of Forms 59.1-A to 59.1-C or is in Form 59.1-F, if the Deputy Principal Clerk refuses to sign and date such warrant, the application shall, on request, be placed before the Lord Ordinary; and the decision of the Lord Ordinary shall be final and not subject to review.

(4A) Where the application is in Form 59.1-D or 59.1-E, it shall be placed before the Lord Ordinary together with any such documents as are mentioned in paragraph (2); and if the Lord Ordinary is satisfied as is mentioned in paragraph (3) -

- (a) he shall sign and date the warrant in the application; and
- (b) the application shall be signeted

and such signeted application and warrant shall constitute letters of inhibition.

(4B) The decision of the Lord Ordinary as respects an application in Form 59.1-D or 59.1-E shall be final and not subject to review.

(5) An application for letters of arrestment or inhibition on the dependence of an action to which a claim under section 19 of the Family Law (Scotland) Act 1985 (a) applies shall be placed before the Lord Ordinary; and the decision of the Lord Ordinary shall be final and not subject to review.

(a) 1985 c.37.