

[YOUR NAME]
[YOUR ADDRESS]
[DATE]

[BANK'S NAME]
[BANK'S HEAD OFFICE ADDRESS]

Dear Sir/Madam

**Unlawful bank charges following an arrestment of welfare benefits – request for refund for
[YOUR NAME, SORT CODE, and ACCOUNT NUMBER]**

I write with respect to the application of the following charges to my account: [\[INSERT DETAILS of charges applied\]](#).

I am of the view that your charges are irrecoverable in law. As you know the monies in my account derive from [\[tax credits, paid to my client by HM Inland Revenue, and/or child benefit paid by DWP, and/or child maintenance from the CSA, and/or social security benefits - income support, Jobseeker's Allowance, Incapacity Benefit, Disability Living Allowance, Attendance Allowance etc., - paid by DWP\]](#). This is confirmed from my bank statements.

Both the Scottish Law Commission and Scottish Executive concede that social security benefits are exempt from arrestment in terms of section 187 of the Social Security Administration Act 1992 (see *Enforcement of Civil Obligations in Scotland*, Scottish Executive report, at paragraph 5.245). Section 45 of the Tax Credits Act 2002 is an identical provision to the said section 187 of the 1992 Act.

It is therefore trite law that tax credits and other such maintenance or social security benefits are exempt from arrestment. The case of *Woods v Royal Bank of Scotland* 1913 SLT 1 Reports 499 is authority for the proposition that where exempt monies are paid into a bank account, those monies remain exempt from arrestment insofar as such monies can be clearly identified within an account.

Accordingly, you have erred in law in arresting exempt monies in my account. You cannot impose administrative or penalty charges for your legal error. I would therefore ask you to refund said charges to my account within the next 7 days, failing which I will commence an action for payment and wrongful diligence without any further notice.

Yours faithfully

[SIGNATURE]