

These notes relate to the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) which received Royal Assent on 17 December 2002

DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT

Part 2 – Attachment

Attachment of articles kept outwith dwellinghouses

Section 26 – Invalidity and cessation of attachment

59. **Section 26** provides that, at any time before the auction of attached articles, the sheriff may, on his own initiative or on an application by the debtor, make an order declaring the attachment to be invalid or having ceased to have effect. The sheriff may also make such other order as is considered necessary in the circumstances. This enables enforcement action to be halted in the event of an irregularity in procedure or if an attachment should have ceased to have had effect.
60. **Section 26(4)** gives the debtor and the creditor an opportunity to make representations and, if either so wishes, to be heard. **Section 26(5)** provides for any articles removed to be returned in the event of an order being made. **Section 26(6)** provides for the sheriff to give reasons for a refusal to grant such an order.