



# Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

## PART 2

### ATTACHMENT

*Attachment: further procedure*

#### **23 Appeals against valuation**

- (1) Where the sheriff is satisfied that the aggregate of the values of attached articles fixed under section 15(2) or (3) above or, as the case may be, section 51 or 54(1) below is substantially below the aggregate of the prices which they are likely to fetch if sold on the open market, the sheriff may, on or before the day which immediately precedes the day on which the articles are to be auctioned, order that the attachment is to cease to have effect.
- (2) The sheriff may make an order under subsection (1) above on the application of the debtor or on the sheriff's own accord.
- (3) The sheriff shall not make such an order without first giving the debtor and the creditor—
  - (a) an opportunity to make representations; and
  - (b) if either party wishes to be heard, an opportunity to be heard.