



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 2

ATTACHMENT

Attachment: further procedure

24 Duration of attachment

- (1) An attachment shall, subject to subsections (6), (7) and (8) below, have effect only until—
 - (a) the earlier of—
 - (i) the date which is six months after the date on which the article is attached; and
 - (ii) the date which is 28 days after the date on which the attached article is removed by the officer from the place at which it was attached; or
 - (b) such other date as may be specified in an order made under subsection (2) or section 29(4)(b) below or in an exceptional attachment order.
- (2) Where the sheriff is satisfied—
 - (a) that, if the date on which an attachment is to cease to have effect were to be substituted with a later date, the debtor is likely to comply with an agreement between the creditor and the debtor for the payment of the sum recoverable by instalments or otherwise; or
 - (b) that the auction of the attached articles cannot take place before the date on which the attachment is to cease to have effect due to circumstances for which the creditor cannot be held responsible and that the attachment ceasing to have effect on that date would prejudice the creditor,

the sheriff may, on an application by the creditor or by the officer, by order provide that the attachment is to remain in effect until such later date as the sheriff considers reasonable in the circumstances.

- (3) Where the period for which an attachment is to have effect is extended by an order made under subsection (2) above, an application may be made for another order under that subsection so as to further extend that period.
- (4) The sheriff may consider an application for an order under subsection (2) above only where it is made during the period in respect of which an extension is being sought.
- (5) A decision of the sheriff on such an application shall be intimated to the debtor by the sheriff clerk.
- (6) Where such an application is made but not disposed of before the date on which the attachment in respect of which it is made would, but for this subsection, cease to have effect, the attachment shall continue to have effect until the application is disposed of.
- (7) Where such an application is—
 - (a) made on the ground referred to in paragraph (a) of subsection (2) above; and
 - (b) refused by the sheriff within 14 days of the date on which the attachment in respect of which it is made would, but for this subsection, cease to have effect, the attachment shall continue to have effect until the date which is 14 days after the date of the refusal.
- (8) Where—
 - (a) arrangements for an auction of attached articles are, under section 29(1) below, cancelled; and
 - (b) the agreement in respect of which the cancellation is made is breached by the debtor,

the period which begins with the date on which the report of agreement was made under section 29(3) below and which ends with the date on which the debtor breaches the agreement is to be disregarded in determining the date on which the attachment is, under subsection (1) above, to cease to have effect.