



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 2

ATTACHMENT

Auction of attached articles

29 Cancellation of auctions

- (1) The officer may, for the purposes of enabling the sum recoverable to be paid in accordance with an agreement between the creditor and the debtor, cancel arrangements for an auction of attached articles.
- (2) The officer may not cancel the arrangements for such an auction on more than two occasions.
- (3) Where an auction has been cancelled the officer shall—
 - (a) make to the sheriff a report of the agreement reached; and
 - (b) arrange for the return of any attached articles which have been removed for auction to the place from which they were removed.
- (4) The sheriff, if satisfied on an application by the creditor that the debtor is in breach of any agreement which has been reported under subsection (3) above, may by order provide—
 - (a) if the arrangements for the auction of the attached articles can still be implemented in accordance with the provisions of this Part and Part 3 of this Act, that the officer may resume making arrangements for the auction in accordance with those provisions;
 - (b) if for any reason for which neither the creditor nor the officer is responsible arrangements for the auction cannot be implemented in accordance with those provisions, that the provisions of this Part and Part 3 of this Act which prevent such implementation are not to apply for the purposes of the attachment and auction of those articles.

Status: This is the original version (as it was originally enacted).

- (5) The sheriff shall not make an order under subsection (4) above without first giving the debtor—
- (a) an opportunity to make representations; and
 - (b) if the debtor so wishes, an opportunity to be heard.