



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 2

ATTACHMENT

Auction of attached articles

33 Audit of report of auction

- (1) The sheriff shall remit the report of auction to the auditor of court who shall—
 - (a) tax the chargeable expenses;
 - (b) certify the balance due by or to the debtor following the auction; and
 - (c) make a report to the sheriff.
- (2) The auditor of court shall not alter the report of auction without first providing all interested persons an opportunity to make representations.
- (3) The auditor of court shall not charge a fee in respect of the report made under subsection (1)(c) above.
- (4) On receipt of a report made under subsection (1)(c) above the sheriff shall make an order—
 - (a) declaring the balance due by or to the debtor, as certified by the auditor of court;
 - (b) declaring such a balance after making modifications to the balance so certified; or
 - (c) where the sheriff is satisfied that there has been a substantial irregularity in the execution of the attachment (other than the timing of the report of auction), declaring the attachment and auction to be void.
- (5) An order made under subsection (4)(c) above may make such consequential provision as the sheriff thinks fit.

Status: This is the original version (as it was originally enacted).

- (6) An order made under subsection (4)(c) above shall not affect the title of a person to any article acquired by that person at the auction, or subsequently, in good faith.
- (7) The sheriff may not make an order under subsection (4)(b) or (c) above without first providing all interested persons an opportunity to be heard.
- (8) The sheriff clerk shall intimate the sheriff's order under subsection (4) above to the debtor.