



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 3

ATTACHMENT OF ARTICLES KEPT IN DWELLINGHOUSES: SPECIAL PROCEDURE

49 Power of entry

- (1) Notwithstanding the authorisation in an exceptional attachment order to open shut and lockfast places, the officer shall not enter a dwellinghouse to execute the order unless the officer—
 - (a) at the intended time of entry, is satisfied as to the condition set out in subsection (2) below; or
 - (b) has, at least 4 days before the intended date of entry, served notice on the debtor setting out that intention and specifying that date.
- (2) That condition is that there appears to the officer to be a person present who—
 - (a) is aged 16 years or over; and
 - (b) is not, because of the person's age, knowledge of English, mental illness, mental or physical disability or otherwise, unable to understand the consequences of the procedure being carried out.
- (3) Where the sheriff is satisfied that the requirement of service under subsection (1)(b) above is likely to prejudice the execution of the order the sheriff may, on an application by the officer, dispense with that requirement.
- (4) An application for a dispensation under subsection (3) above need not be intimated to the debtor.