



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 3

ATTACHMENT OF ARTICLES KEPT IN DWELLINGHOUSES: SPECIAL PROCEDURE

55 Release of articles from attachment

- (1) An article attached in execution of an exceptional attachment order shall not, subject to any order made under section 20(1)(b) above, be auctioned before the date which is 7 days after the date on which the article was removed by the officer from the dwellinghouse in which it was attached.
- (2) The sheriff may, on an application by the debtor, make an order—
 - (a) providing that the attachment of an article attached in execution of an exceptional attachment order is to cease to have effect; and
 - (b) requiring the officer to return the article to the dwellinghouse at which it was attached.
- (3) Where the sheriff is satisfied that—
 - (a) the attachment of an article is not competent; or
 - (b) the auction of an attached article would be unduly harsh in the circumstances, the sheriff shall grant an order under subsection (2) above in respect of the article.
- (4) Where the sheriff is satisfied that—
 - (a) articles likely to be of sentimental value to the debtor were kept in a dwellinghouse when an exceptional attachment order was executed in the dwellinghouse;
 - (b) those articles are likely to realise, on sale by auction, an aggregate amount not exceeding £150 or such other amount as may be prescribed in regulations made under section 52(2) above; and
 - (c) an article of that type has been attached in execution of the exceptional attachment order,

the sheriff shall grant an order under subsection (2) above in respect of the attached article.

Status: This is the original version (as it was originally enacted).

- (5) The sheriff may consider an application for an order under subsection (2) above only where it is made during the period in which the article which is subject of the application may not, by virtue of subsection (1) above, be auctioned.