



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 4

LAND ATTACHMENT AND RESIDUAL ATTACHMENT

CHAPTER 2

ATTACHMENT OF LAND

The sale

115 Sheriff's consideration of report

- (1) Where the auditor has submitted a report to the sheriff under section 114(2)(c) of this Act, the sheriff may, after considering that report and the report on sale lodged under section 113(1) of this Act—
 - (a) make an order approving the report of sale subject to such amendments (if any) made—
 - (i) following a hearing under subsection (2) below, by the sheriff; or
 - (ii) by the auditor,as may be specified in the order;
 - (b) if the sheriff is satisfied that there has been a substantial irregularity in the land attachment, make an order—
 - (i) declaring the land attachment to be void; and
 - (ii) making such consequential order as appears to the sheriff to be necessary in the circumstances.
- (2) The sheriff may not make an order under subsection (1) above without first giving all interested persons an opportunity to be heard.
- (3) The sheriff clerk must intimate the order of the sheriff under subsection (1) above to the debtor and any other person appearing to the sheriff clerk to have an interest.

Status: This is the original version (as it was originally enacted).

- (4) Any order under subsection (1)(b) above does not affect the title of any person to land sold in execution of the warrant for sale to which the report relates.