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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 560**

**COURT OF SESSION  
SHERIFF COURT**

**Act of Sederunt (Debt Arrangement and  
Attachment (Scotland) Act 2002) 2002**

*Made - - - - 19th December 2002*

*Coming into force 30th December 2002*

**ACT OF SEDERUNT (DEBT ARRANGEMENT  
AND ATTACHMENT (SCOTLAND) ACT 2002) 2002**

1. Citation, commencement and interpretation
  2. Rules for Applications in the Sheriff Court under the 2002 Act
  3. Summary warrants
  4. Minor and consequential amendments
  5. Revocation and savings
- Signature

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SCHEDULE 1      RULES FOR APPLICATIONS IN THE SHERIFF  
COURT UNDER THE DEBT ARRANGEMENT AND  
ATTACHMENT (SCOTLAND) ACT 2002

CHAPTER 1

*GENERAL*

1. Citation and interpretation
2. Dispensing power of sheriff
3. Lay representation
4. Conduct of hearings
5. Intimation
6. Electronic transmission of documents

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## CHAPTER 2

### *ATTACHMENT: GENERAL PROVISIONS*

7. Applying for an extension of hours of attachment
8. Procedure for executing attachment
9. Applying for the attachment to cease to have effect because value fixed is too low
10. Notice of theft after attachment
11. Applying for further attachment where articles removed, damaged, destroyed or stolen
12. Applying for consignment where article damaged, destroyed, lost, stolen or disposed of
13. Report of attachment
14. Receipt for redemption of an attached article
15. Applying for security of an attached article or sale of a perishable etc. article
16. Applying for release of vehicle or mobile home from attachment, or for sale of vehicle
17. Applying for extension of duration of attachment
18. Invalidity and cessation of attachment
19. Notice of removal and auction of an attached article
20. Agreement on payment, and cancellation or renewal of auction
21. Report of auction
22. Modification of sale balance or declaration that auction void
23. Applications in relation to articles belonging to a third party or in common ownership
24. Third party claim after auction

## CHAPTER 3

### *ATTACHMENT: ARTICLES KEPT WITHIN DWELLINGHOUSES*

25. Applying for attachment of articles kept within a dwellinghouse
  26. Making a declaration of financial circumstances
  27. Appearance at the hearing by the creditor
  28. Notice of making of exceptional attachment order
  29. Money advice
  30. Access to premises
  31. Unlawful acts before attachment
  32. Notice of theft before attachment
  33. Applying for consignment where article damaged, destroyed, lost, stolen or disposed of
  34. Applying for return of article removed where attachment not competent, sale unduly harsh, or article of sentimental value
  35. Receipt for redemption of an attached article
  36. Applying for leave to appeal
- APPENDIX 1      FORMS
- APPENDIX 2      GLOSSARY
- SCHEDULE 2      FORMS OF SUMMARY WARRANT
- SCHEDULE 3      MINOR AND CONSEQUENTIAL AMENDMENTS
1. Act of Sederunt (Proceedings in the Sheriff Court under the Debtors (Scotland) Act 1987) 1988 (S.I. 1988/2013)
  2. Act of Sederunt (Form of Charge for Payment) 1988 (S.I. 1988/2059)

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3. Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991 (S.I. 1991/1397)
4. Act of Sederunt (Sheriff Court Ordinary Cause Rules) 1993 (S.I. 1993/1956)
5. Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443)
6. Act of Sederunt (Sheriff Court Bankruptcy Rules 1996) (S.I. 1996/2507)
7. Act of Sederunt (Child Care and Maintenance Rules) 1997 (S.I. 1997/291)

SCHEDULE 4 REVOCATIONS

Explanatory Note