



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) ACT 2002

PART 1

THE DEBT ARRANGEMENT SCHEME

- 1 Debt arrangement scheme
- 2 Debt payment programmes
- 3 Money advice
- 4 Effect of debt payment programmes
- 5 Variation of debt payment programmes
- 6 Deduction from earnings
- 7 Debt payment programmes: power to make further provision
- 7A Debt payment programmes: power to make provision about debt relief
- 8 Functions of the Scottish Ministers
- 9 Interpretation of Part

PART 1A

INTERIM ATTACHMENT

Interim attachment

- 9A Interim attachment
- 9B Articles exempt from interim attachment

Application for interim attachment

- 9C Application for warrant for interim attachment
- 9D Grant of warrant without a hearing
- 9E Hearing on application

Changes to legislation: Debt Arrangement and Attachment (Scotland) Act 2002 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Execution of interim attachment

- 9F Execution of interim attachment
- 9G Execution of interim attachment before service

Interim attachment: further procedure

- 9H Order for security of attached articles

Interim attachment: effects

- 9J Unlawful acts after interim attachment
- 9K Articles belonging to or owned in common by a third party
- 9L Duration of interim attachment

Recall etc. of interim attachment

- 9M Recall or restriction of interim attachment
- 9N Variation of orders and variation or recall of conditions

General and miscellaneous provisions

- 9P Expenses of interim attachment
- 9Q Recovery of expenses of interim attachment
- 9R Ascription of sums recovered while interim attachment is in effect
- 9S Ranking of interim attachment

PART 2

ATTACHMENT

Attachment

- 10 Attachment
- 11 Articles exempt from attachment
- 12 Times when attachment is not competent
- 13 Presumption of ownership
- 13A Schedule of attachment

Attachment of articles kept outwith dwellinghouses etc.

- 14 Procedure for attachment of articles kept outwith dwellinghouses etc.
- 15 Valuation
- 16 Attachment of mobile homes
- 17 Report of attachment
- 18 Redemption
- 19 Removal and auction of attached articles
- 19A Urgent removal of attached articles

Attachment: further procedure

- 20 Order for security of articles or sale of articles which are perishable etc.
- 21 Unlawful acts after attachment
- 22 Release of vehicle from attachment
- 23 Appeals against valuation
- 24 Duration of attachment
- 25 Second attachment at same place
- 26 Invalidity and cessation of attachment

Auction of attached articles

- 27 Notice of public auction
- 28 Alteration of arrangements for removal or auction
- 29 Cancellation of auctions
- 30 Auction
- 31 Disposal of proceeds of auction
- 32 Report of auction
- 33 Audit of report of auction

General and miscellaneous provisions

- 34 Articles belonging to a third party
- 35 Articles in common ownership
- 36 Procedure where articles in common ownership are sold at auction
- 37 Attachment terminated by payment or tender of full amount owing
- 38 Assistance to debtor
- 39 Expenses chargeable in relation to attachment etc.
- 40 Recovery from debtor of expenses of attachment
- 41 Ascription of sums recovered by attachment or while attachment is in effect
- 42 Restriction on fees payable by debtor
- 43 Power to provide for lay representation
- 44 Legal aid
- 45 Interpretation of this Part and Parts 3 and 4

PART 3

ATTACHMENT OF ARTICLES KEPT IN DWELLINGHOUSES: SPECIAL PROCEDURE

- 46 Restriction on attachment of articles kept in dwellinghouses
- 47 Exceptional attachment order
- 48 Exceptional circumstances
- 49 Power of entry
- 50 Unlawful acts before attachment
- 51 Valuation
- 52 Articles with sentimental value
- 53 Removal of articles attached in dwellinghouse
- 54 Professional valuation
- 55 Release of articles from attachment
- 56 Redemption
- 57 Appeals

PART 4

ABOLITION OF POINDINGS AND WARRANT SALES

- 58 Abolition of poindings and warrant sales
- 59 Savings

PART 5

MISCELLANEOUS AND GENERAL

- 60 Application of this Act to sequestration for rent and arrestment
- 60A Electronic signatures
- 61 Minor and consequential amendments and repeals

Changes to legislation: Debt Arrangement and Attachment (Scotland) Act 2002 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 62 Regulations and orders
- 63 Crown application
- 64 Short title and commencement

SCHEDULE 1 — Expenses of attachment etc.

- 1 *Expenses chargeable against the debtor*
- 1A The expenses referred to in sub-paragraphs (i), (j) and (k)...
- 2 Where a new date is arranged under section 28(2) above...
- 3 Where arrangements for an auction are cancelled under subsection (1)...
- 4 *Circumstances where liability for expenses is at the discretion of the sheriff*
- 5 *Calculation of amount chargeable against debtor under the foregoing provisions*
- 6 *Circumstances where no expenses are due to or by either party*
- 7 If— (a) an application mentioned in paragraph 6(a) above is...
- 8 Paragraphs 6 and 7 do not apply to expenses incurred—...

SCHEDULE 2 — Non-essential assets

- 1 For the purposes of Part 3 of this Act, “non-essential...”
- 2 None of the following is a non-essential asset for the...
- 3 The articles referred to in paragraph 2(a) above are—
- 4 The articles referred to in paragraph 2(b) above are the...
- 5 The Scottish Ministers may by regulations modify paragraph 4 above...

SCHEDULE 3 — Minor and consequential amendments and repeals

Part 1 — ACTS

- 1 *Companies Clauses Consolidation (Scotland) Act 1845 (c.17)*
- 2 *Lands Clauses Consolidation (Scotland) Act 1845 (c.19)*
- 3 *Railway Clauses Consolidation (Scotland) Act 1845 (c.33)*
- 4 *Markets and Fairs Clauses Act 1847 (c.14)*
- 5 *Harbours, Docks and Piers Clauses Act 1847 (c.27)*
- 6 *Entail Amendment Act 1853 (c.94)*
- 7 *Writs Execution (Scotland) Act 1877 (c.40)*
- 8 *Sheriff Courts (Scotland) Extracts Act 1892 (c.17)*
- 9 *Public Health (Scotland) Act 1897 (c.38)*
- 10 *Local Government (Scotland) Act 1947 (c.43)*
- 11 *Taxes Management Act 1970 (c.9)*
- 12 *Water (Scotland) Act 1980 (c.45)*
- 13 *Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)*
- 14 *Car Tax Act 1983 (c.53)*
- 15 *Bankruptcy (Scotland) Act 1985 (c.66)*
- 16 *Gas Act 1986 (c.44)*
- 17 *Debtors (Scotland) Act 1987 (c.18)*
- 18 *Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c.47)*
- 19 *Income and Corporation Taxes Act 1988 (c.1)*
- 20 *Child Support Act 1991 (c.48)*
- 21 *Social Security Administration Act 1992 (c.5)*
- 22 *Local Government Finance Act 1992 (c.14)*
- 23 *Local Government etc. (Scotland) Act 1994 (c.39);*
- 24 *Proceeds of Crime (Scotland) Act 1995 (c.43)*
- 25 *Criminal Procedure (Scotland) Act 1995 (c.46)*

Changes to legislation: Debt Arrangement and Attachment (Scotland) Act 2002 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 26 *Finance Act 1997 (c.16)*
- 27 *Abolition of Poidings and Warrant Sales Act 2001 (asp 1)*
- 28 *Water Industry (Scotland) Act 2002 (asp 3)*
- 29 *Proceeds of Crime Act 2002 (c.29)*
 - Part 2 — SUBORDINATE LEGISLATION
- 30 *Stamp Duty Reserve Tax Regulations 1986 (S.I. 1986/1711)*
- 31 *Confiscation of the Proceeds of Drug Trafficking (Designated Countries and Territories) (Scotland) Order 1991 (S.I. 1991/1467)*
- 32 *Merchant Shipping (Ministry of Defence Commercially Managed Ships) Order 1992 (S.I. 1992/1293)*
- 33 *Merchant Shipping (Ministry of Defence Yachts) Order 1992 (S.I. 1992/1294)*
- 34 *Insurance Premium Tax Regulations 1994 (S.I. 1994/1774)*
- 35 *Lloyd's Underwriters (Gilt-edged Securities) (Periodic Accounting for Tax on Interest) Regulations 1995 (S.I. 1995/3225)*
- 36 *Landfill Tax Regulations 1996 (S.I. 1996/1527)*
- 37 *Stamp Duty (Collection and Recovery of Penalties) Regulations 1999 (S.I. 1999/2537)*
- 38 *Civil Legal Aid (Scotland) Regulations 2002 (S.S.I. 2002/494)*

Changes to legislation:

Debt Arrangement and Attachment (Scotland) Act 2002 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 10(5) words substituted by [2007 asp 3 s. 212\(7\)](#) (This amendment not applied to legislation.gov.uk. S. 212(7) repealed (31.1.2011) by 2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3(1), Sch. 1)
- s. 10(5) words substituted by [2008 c. 6 Sch. 7 para. 5](#)
- s. 15(1) repealed by [2007 asp 3 Sch. 6 Pt. 1](#)
- s. 32(4) words substituted by [2007 asp 3 Sch. 5 para. 30\(8\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 30(8)(b)(13) repealed (31.1.2011) by 2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3(1), Sch. 1)
- s. 45 words substituted by [2007 asp 3 Sch. 5 para. 30\(13\)](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 30(8)(b)(13) repealed (31.1.2011) by 2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3(1), Sch. 1)
- Sch. 1 para. 4(a) words repealed by [2007 asp 3 Sch. 6 Pt. 1](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Commencement Orders yet to be applied to the Debt Arrangement and Attachment (Scotland) Act 2002

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2004/401 art. 3](#) commences ([2002 asp 17](#))