



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

[^{F1}PART 1A

INTERIM ATTACHMENT

[^{F1}Execution of interim attachment

Textual Amendments

- F1** Pt. 1A inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 173, 227(3)** (with [s. 223](#)); [S.S.I. 2008/115](#), **art. 3(1)(c)** (with [arts. 4-6, 10, 15](#)) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), **art. 7**; (31.1.2011) by [S.S.I. 2011/31](#), **art. 5(a)**; and (4.10.2014) by [S.S.I. 2014/173](#), **arts. 1(2), 3**)

9F Execution of interim attachment

- (1) Sections 12, 13, 15 and (subject to subsection (6) below) 17 below apply to execution of an interim attachment as they apply to execution of an attachment.
- (2) The officer shall, immediately after executing an interim attachment, complete a schedule such as is mentioned in subsection (3) below (in this Part of this Act, a “schedule of interim attachment”).
- (3) The schedule of interim attachment—
 - (a) shall be—
 - (i) in (or as nearly as may be in) the form prescribed by Act of Sederunt; and
 - (ii) signed by the officer; and
 - (b) shall specify—
 - (i) the articles attached; and
 - (ii) their value, so far as ascertainable.
- (4) The officer shall—

Status: Point in time view as at 01/04/2008.

Changes to legislation: There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Cross Heading: Execution of interim attachment. (See end of Document for details)

- (a) give a copy of the schedule of interim attachment to the debtor; or
 - (b) where it is not practicable to do so—
 - (i) give a copy of the schedule to a person present at the place where the interim attachment was executed; or
 - (ii) where there is no such person, leave a copy of the schedule at that place.
- (5) References in this Part of this Act to the day on which an interim attachment is executed are references to the day on which the officer complies with subsection (4) above.
- (6) The application of section 17 below shall be subject to the following modifications—
 - (a) subsections (3)(b) and (4) shall not apply;
 - (b) in subsections (1), (5) and (6), the references to the sheriff shall be construed as references to the court; and
 - (c) in subsection (6)(b), the reference to the sheriff clerk shall, in the case of an action in the Court of Session, be construed as a reference to the clerk of the court.

9G Execution of interim attachment before service

- (1) This section applies where an interim attachment is executed before the service of the summons on the debtor.
- (2) Subject to subsection (3) below, if the summons is not served on the debtor before the end of the period of 21 days beginning with the day on which the interim attachment is executed, the attachment shall cease to have effect.
- (3) The court may, on the application of the creditor, make an order extending the period referred to in subsection (2) above.
- (4) In determining whether to make such an order the court shall have regard to—
 - (a) the efforts of the creditor to serve the summons within the period of 21 days; and
 - (b) any special circumstances preventing or obstructing service within that period.]

Status:

Point in time view as at 01/04/2008.

Changes to legislation:

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