



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 2

ATTACHMENT

General and miscellaneous provisions

41 Ascription of sums recovered by attachment or while attachment is in effect

- (1) This section applies to any amounts recovered by an attachment or paid to account of the amounts recoverable by the attachment while the attachment is in effect.
- (2) An amount to which this section applies shall be ascribed to the following in the order in which they are mentioned—
 - (a) the expenses already incurred in respect of—
 - (i) the attachment;
 - ^[F1](ia) any previous interim attachment the expenses of which are chargeable against and recoverable from the debtor under section 9Q(1)(a) of this Act;
 - (ii) any previous diligence the expenses of which are chargeable against and recoverable from the debtor under section 40(4) above or section 93(5) of the Debtors (Scotland) Act 1987 (c.18);
 - (b) any interest, due under the decree or other document of debt on which the attachment proceeds, which has accrued at the date of execution of the attachment;
 - (c) any sum (including any expenses) due under the decree or other document of debt, other than any expenses or interest mentioned in paragraphs (a) and (b) above.

Textual Amendments

- F1** S. 41(2)(a)(ia) inserted (1.4.2008) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), s. 227(3), **Sch. 5 para. 30(12)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), Sch. 1 (with arts. 4-6, 10,

Changes to legislation: *There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Section 41. (See end of Document for details)*

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)

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