

SCHEDULE 1

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

CHAPTER 2

ATTACHMENT: GENERAL PROVISIONS

Applying for release of vehicle or mobile home from attachment, or for sale of vehicle

- 16.**—(1) The following applications shall be in form 11:—
- (a) an application by the debtor or a third party under section 16(1) for the attachment of a mobile home to cease to have effect;
 - (b) an application by the debtor under section 22(1) for the attachment of a vehicle to cease to have effect because the auction of the vehicle would be unduly harsh; or
 - (c) an application by the debtor under section 22(3) for the immediate sale of a vehicle because the auction of the vehicle would be unduly harsh.
- (2) On the lodging of an application under paragraph (1) the sheriff clerk shall—
- (a) fix a date for a hearing;
 - (b) grant a warrant for intimation;
 - (c) intimate the application and the warrant to the creditor, the officer of court who executed the order, the debtor and (where appropriate) the third party; and
 - (d) complete a certificate of intimation.
- (3) The officer of court who executed the attachment shall lodge with the sheriff clerk a copy of the attachment schedule before the date fixed for the hearing.