

SCHEDULE 1

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

CHAPTER 2

ATTACHMENT: GENERAL PROVISIONS

Invalidity and cessation of attachment

18.—(1) An application by a debtor for an order under section 26(1)(a) or (b) declaring the attachment to be invalid or to have ceased to have effect shall be in form 13.

(2) On the lodging of such an application the sheriff clerk shall—

- (a) fix a date for a hearing;
- (b) grant a warrant for intimation;
- (c) intimate the application and warrant to the applicant, the creditor, the officer of court who executed the attachment, and any other person having an interest; 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.

(4) The sheriff may declare an attachment to be invalid or to have ceased to have effect without an application having been made under paragraph (1).

(5) The sheriff clerk shall intimate any declaration under paragraph (4) to the debtor.