



# Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

## PART 2

### ATTACHMENT

#### *Attachment: further procedure*

#### **20 Order for security of articles or sale of articles which are perishable etc.**

- (1) The sheriff may, on an application by the creditor, the officer or the debtor, at any time after articles have been attached make an order—
  - (a) for the security of any of the attached articles;
  - (b) in relation to any of the articles which are of a perishable nature or which are likely to deteriorate substantially and rapidly in condition or value, for the creditor or the officer to make arrangements for their immediate sale and for any proceeds of the sale to be consigned in court.
- (2) An application for an order under subsection (1) above—
  - (a) by the creditor or the officer, shall be intimated by the creditor or, as the case may be, the officer to the debtor;
  - (b) by the debtor, shall be intimated to the creditor and the officer<sup>F1</sup>—
    - (i) who attached articles; or
    - (ii) who is authorised to arrange the auction],at the time when it is made.
- (3) A decision of the sheriff to make an order under subsection (1)(b) above shall not be subject to appeal.
- (4) Any sum consigned in court in pursuance of an order made under subsection (1)(b) above shall, where an attachment ceases to have effect before the auction of attached articles is held, be paid to the creditor to the extent necessary to meet the sum recoverable, any surplus thereof being paid to the debtor.

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**Changes to legislation:** There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Section 20. (See end of Document for details)

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### Textual Amendments

- F1** Words in s. 20(2)(b) inserted (31.3.2007) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 212(10), 227(3)** (with s. 223); S.S.I. 2007/82, art. 4(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Section 20.