



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 2

ATTACHMENT

Auction of attached articles

32 Report of auction

- (1) The officer who arranged the auction shall, within the period of 14 days after the date on which the auction is held, make to the sheriff a report in the form prescribed by Act of Sederunt (a “report of auction”).
- (2) A report of auction shall—
 - (a) specify—
 - (i) any attached articles which have been sold;
 - (ii) the amount for which they have been sold;
 - (iii) any attached articles which remain unsold;
 - (iv) any chargeable expenses;
 - (v) any surplus paid to the debtor; and
 - (vi) any balance due by or to the debtor;
 - (b) refer to any article in respect of which—
 - (i) an attachment has, under section 34(1) below or in pursuance of an order made under section 35(3) below, ceased to have effect;
 - (ii) the debtor’s interest has, under section 35(2) below, transferred to a third party;
 - (c) contain a declaration by the officer that all the information contained within it is, to the best of the officer’s knowledge, true; and
 - (d) be signed by the officer and the witness who attended the auction.
- (3) If the officer—

Status: This is the original version (as it was originally enacted).

- (a) without reasonable excuse makes a report of auction after the expiry of the period mentioned in subsection (1) above; or
- (b) wilfully refuses to make, or delays making, a report of auction after the expiry of that period,

the sheriff may make an order providing that the officer is liable for the chargeable expenses, either in whole or in part.

- (4) An order made under subsection (3) above does not prejudice the right of the sheriff to report the matter to the Court of Session or the sheriff principal under section 79(1) (b) (investigation of alleged misconduct by a messenger-at-arms or sheriff officer) of the Debtors (Scotland) Act 1987 (c. 18).