

## SCHEDULE 1

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

#### CHAPTER 2

##### *ATTACHMENT: GENERAL PROVISIONS*

#### **Applications in relation to articles belonging to a third party or in common ownership**

- 23.**—(1) An application by a third party—
- (a) under section 34(1)(b)(ii) for an order that the sheriff is satisfied that the third party owns an attached article shall be in form 18;
  - (b) under section 35(2)(b)(ii) for an order that the sheriff is satisfied that the third party owns an attached article in common with the debtor shall be in form 19; or
  - (c) under section 35(3) for the attachment of an article owned in common to cease to have effect because the sale of the article would be unduly harsh shall be in form 20.
- (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 warrant to the applicant, the creditor, the debtor, the officer of court who executed the attachment, and any person having possession of the article; 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.