
STATUTORY INSTRUMENTS

1988 No. 2013

Act of Sederunt (Proceedings in the Sheriff Court
under the Debtors (Scotland) Act 1987) 1988

PART III

POINDINGS AND WARRANT SALES

Further poinding in same premises

23.—(1) An application under section 28(6) of, or paragraph 12(6) of Schedule 5 to, the Act for authority to poind another article in premises from which a poinded article has been removed shall be made—

- (a) by oral motion in proceedings relating to the poinding; or
- (b) in form 17.

(2) Where an application is made in accordance with paragraph (1)(b) of this rule, the application shall specify—

- (a) the name and address of the debtor;
- (b) the court which granted the original decree and the date of that decree, or details of the summary warrant or other document, upon which the poinding proceeded;
- (c) the date and place of execution of the poinding;
- (d) the grounds for the application including reasons for alleging that the debtor is at fault; and
- (e) any competent crave for expenses.

(3) On the lodging of an application in accordance with paragraph (1)(b) of this rule, the sheriff clerk shall—

- (a) fix a date for a hearing;
- (b) obtain from the sheriff a warrant for intimation;
- (c) intimate the application and warrant to the debtor and the applicant; and
- (d) complete a certificate of intimation.

(4) The officer of court who executed the poinding shall lodge with the court a copy of the poinding schedule before the date fixed for the hearing under paragraph (3)(a) of this rule.

(5) The sheriff clerk shall intimate the sheriff's decision on such an application to any person to whom intimation of the application was made but who was not present when the application was determined.