



Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

Review of decisions made by Accountant in Bankruptcy

41 Review of decisions about adjudication of creditor's claims

In section 49 of the 1985 Act (adjudication of claims)—

(a) for subsection (6), substitute—

“(6) The debtor or any creditor may apply to the Accountant in Bankruptcy for a review of—

- (a) the acceptance or rejection of any claim, or
- (b) a decision in respect of any matter requiring to be specified under subsection (5)(a) or (b).”

(b) for subsection (6A), substitute—

“(6A) The debtor may make an application under subsection (6) only if the debtor satisfies the Accountant in Bankruptcy that the debtor has, or is likely to have, a pecuniary interest in the outcome of the review.

(6B) An application under subsection (6) must be made—

- (a) in the case of a review relating to an acceptance or rejection under subsection (1), before the expiry of the period of 14 days beginning with the day of that decision, and
- (b) in the case of a review relating to an acceptance or rejection under subsection (2), before the expiry of the period of 28 days beginning with the day of that decision.

(6C) If an application under subsection (6) is made, the Accountant in Bankruptcy must—

- (a) take into account any representations made by an interested person before the expiry of the period of 21 days beginning with the day on which the application is made, and
- (b) confirm, amend or revoke the decision before the expiry of the period of 28 days beginning with the day on which the application is made.

Status: This is the original version (as it was originally enacted).

- (6D) The debtor or any creditor may appeal to the sheriff against a decision by the Accountant in Bankruptcy under subsection (6C)(b) before the expiry of the period of 14 days beginning with the day of the decision.
- (6E) The debtor may appeal under subsection (6D) only if the debtor satisfies the sheriff that the debtor has, or is likely to have, a pecuniary interest in the outcome of the appeal.”.