



Bankruptcy (Scotland) Act 2016

2016 asp 21

BANKRUPTCY (SCOTLAND) ACT 2016

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- 16 Meaning of “apparent insolvency”

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- 1 (1) Where section 2(2) applies in relation to a debtor,...

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- 2 (1) This paragraph applies where paragraph 1 applies in relation...

Procedure where Accountant in Bankruptcy considers paragraph 1 should cease to have effect

- 3 (1) If AiB considers under paragraph 2(2) that paragraph 1...

Debtor's right of appeal against decision under paragraph 3

- 4 (1) This paragraph applies where AiB gives notice to a...

Decision that paragraph 1 ceases to have effect: modification of certain provisions of Act

- 5 (1) Where paragraph 1 ceases to have effect in relation...

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Amount which may be claimed generally

- 1 (1) Subject to the provisions of this schedule, the amount...

Claims for aliment and for periodical allowance on divorce or on dissolution of civil partnership

- 2 (1) A person entitled to aliment, however arising, from a...

Debts depending on contingency

- 3 (1) The amount which a creditor is entitled to claim...

Secured debts

- 4 (1) A secured creditor, in calculating the amount of the...

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Valuation of claims against partners for debts of the partnership

- 5 (1) Where a creditor claims, in respect of a debt...

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- 1 Any sum which is owed by the debtor and is...

Remuneration of employees etc.

- 2 (1) So much of any amount which—
3 So much of any amount which— (a) is ordered, whether...

Levies on coal and steel production

- 4 Any sums due at the relevant date from the debtor...

Debts owed to the Financial Services Compensation Scheme

- 5 Any debt owed by the debtor to the scheme manager...

Deposits covered by Financial Services Compensation Scheme

- 6 So much of any amount owed at the relevant date...

Other deposits

- 7 So much of any amount owed at the relevant date...
8 An amount owed at the relevant date by the debtor...

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- 9 In Part 1, “the relevant date” means—

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- 10 (1) For the purposes of paragraph 2, a sum is...

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- 11 In paragraphs 2 and 3, “prescribed” means prescribed by regulations...

Meaning of “scheme manager”

- 12 In paragraph 5, “the scheme manager” has the meaning given...

Meaning of “eligible deposit”

- 13 (1) In paragraphs 6 to 8, “eligible deposit” means a...

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14 Regulations under paragraph 2 or 3 may contain such transitional...

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1 Whether or not— (a) provision is made in the trust...

Accountant in Bankruptcy's power to carry out audit

2 AiB may, at any time, audit the trustee's accounts and...

Registration of notice of inhibition

3 (1) The trustee, from time to time after the trust...

Lodging of claim to bar effect of limitation of actions

4 The submission to the trustee, acting under a trust deed,...

Valuation of claims

5 (1) Unless the trust deed otherwise provides, schedule 2 applies...

SCHEDULE 5 — INFORMATION TO BE INCLUDED IN THE SEDERUNT BOOK

- 1 A copy of the debtor application made under section 2(1)(a)....
- 2 A copy of the petition presented under section 2(1)(b).
- 3 Where the trustee is AiB, a copy of the statement...
- 3A
- 4 A copy of the award of sequestration under section 22(1)...
- 5 A copy of the warrant to cite the debtor granted...
- 6 Where the trustee is not AiB— (a) the audited accounts...
- 7 Where the trustee is AiB— (a) the accounts audited by...
- 8 Where AiB is appointed interim trustee and the sheriff awards...
- 9 A copy of— (a) an order— (i) recalling or refusing...
- 10 A copy of an order under section 114(3)(b) or 115(3)(b)...
- 11 Where the trustee is a replacement trustee appointed under section...
- 12 Where the trustee is not AiB, a copy of a...
- 13 A copy of a notice given under section 44(3).
- 14 Where the trustee is not AiB, a copy of a...
- 15 Where the trustee is a replacement trustee appointed under section...
- 16 A copy of an initial proposal for the debtor's contribution...
- 17 A copy of a debtor contribution order applying to the...
- 18 A copy of a decree issued under section 98 affecting...
- 19 A copy of a decree of recall issued following an...
- 20 A copy of a decree under section 99 affecting the...
- 21 The inventory and valuation of the estate, made up and...
- 22 A copy of an account given by the debtor under...
- 23 The debtor's deposition at an examination subscribed under section 121(6)....
- 24 A copy of the record of an examination sent to...
- 25 An appropriate entry in relation to the production of any...
- 26 Where the trustee accepts or rejects a claim under section...

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- 27 A copy of a decision of AiB under subsection (4)(b)...
- 28 An agreement or determination in respect of the accounting period...
- 29 Where the trustee is not AiB, the audited accounts, the...
- 30 A copy of the certificate of discharge given to the...
- 31 A copy of the certificate deferring discharge where the debtor...
- 32 Where AiB has acted as trustee, after making the final...
- 33 Where AiB has acted as trustee and is discharged from...
- 34 A decision of the court under section 211 and of...
- 35 A copy of a decree arbitral or, as the case...
- 36 The minutes of the meeting referred to in paragraphs 8...
- 37 A copy of the minutes of a meeting sent to...
- 38 Where a meeting of commissioners is called in accordance with...
- 39 A copy of any decision (including any determination, direction, award,...
- 40 A copy of any decree, interlocutory decree, direction or order...

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Calling of meeting

- 1 The trustee in the sequestration must call a meeting of...
- 2 Any such meeting must be held not later than 28...
- 3 The trustee, or a commissioner who has given notice to...
- 4 The trustee, calling a meeting under paragraph 1 or 3,...
- 5 Where— (a) a requirement has been made under paragraph 1,...
- 6 AiB, calling a meeting under paragraph 5, is no fewer...
- 7 It is not necessary to notify under paragraph 4 or...

Role of trustee at meeting

- 8 At the commencement of a meeting the trustee is to...
- 9 If no person is elected in pursuance of paragraph 8,...
- 10 The trustee is to arrange for a record to be...

Appeals

- 11 The trustee, a creditor or any other person having an...

PART 2 — ALL MEETINGS OF CREDITORS

Validity of proceedings

- 12 No proceedings at a meeting are invalidated by reason only...

Locus of meeting

- 13 Every meeting must be held in such place (whether or...
- 13A Where a meeting is to be held in pursuance of...

Mandatories

- 14 A creditor may authorise in writing a person to represent...
- 15 A creditor must lodge with the trustee, before the commencement...
- 16 Any reference in paragraph 8, or in the following provisions...

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Quorum

- 17 The quorum at any meeting is one creditor.

Voting at meeting

- 18 Any question at a meeting is to be determined by...

Objections by creditors

- 19 At any meeting the person chairing it may allow or...
20 A person aggrieved by the determination of the person chairing...
21 If the person chairing the meeting is in doubt as...

Adjournment of meeting

- 22 If no creditor has appeared at a meeting by half...
23 The person chairing the meeting may, with the consent of...
24 Any adjourned meeting must be held at the same time...

Minutes of meeting

- 25 The minutes of every meeting must be signed by the...
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27 If the trustee fails to call a meeting of commissioners...
28 The trustee must give the commissioners at least 7 days'...
29 The trustee is to act as clerk at a meeting...
30 If the commissioners are considering the performance of the functions...
31 The quorum at a meeting of commissioners is one commissioner...
32 Any matter may be agreed by the commissioners without a...

SCHEDULE 7 — RE-ENACTMENT OF SECTIONS 10 AND 189 OF THE BANKRUPTCY (SCOTLAND) ACT 1913

Arrestments and attachments

- 1 (1) Subject to sub-paragraph (2), all arrestments and attachments which...

Exemptions from stamp or other duties for conveyances, deeds etc. relating to sequestrated estates

- 2 Any— (a) conveyance, assignation, instrument, discharge, writing or deed relating...

SCHEDULE 8 — MODIFICATION OF ENACTMENTS

Judicial Factors (Scotland) Act 1889

- 1 In section 11A(2) of the Judicial Factors (Scotland) Act 1889...

Sheriff Courts (Scotland) Act 1907

- 2 In section 34 of the Sheriff Courts (Scotland) Act 1907...

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Conveyancing (Scotland) Act 1924

- 3 In section 44(4)(c) (limitation of effect of entries in the...

Administration of Justice Act 1956

- 4 In section 47G of the Administration of Justice Act 1956...

Conveyancing and Feudal Reform (Scotland) Act 1970

- 5 In section 19(3) of the Conveyancing and Feudal Reform (Scotland)...

Prescription and Limitation (Scotland) Act 1973

- 6 (1) The Prescription and Limitation (Scotland) Act 1973 is amended...

Local Government (Scotland) Act 1973

- 7 In section 31 of the Local Government (Scotland) Act 1973...

Education (Scotland) Act 1980

- 8 In section 73B(12) of the Education (Scotland) Act 1980 (regulations...

Family Law (Scotland) Act 1985

- 9 (1) The Family Law (Scotland) Act 1985 is amended as...

Legal Aid (Scotland) Act 1986

- 10 In Part 2 of schedule 2 of the Legal Aid...

Debtors (Scotland) Act 1987

- 11 (1) The Debtors (Scotland) Act 1987 is amended as follows....

Agricultural Holdings (Scotland) Act 1991

- 12 (1) The Agricultural Holdings (Scotland) Act 1991 is amended as...

Crofters (Scotland) Act 1993

- 13 In paragraph 10 of schedule 2 of the Crofters (Scotland)...

Proceeds of Crime (Scotland) Act 1995

- 14 In paragraph 2(1)(j) of schedule 1 of the Proceeds of...

Education (Scotland) Act 1996

- 15 In paragraph 4 of schedule 1 of the Education (Scotland)...

Adults with Incapacity (Scotland) Act 2000

- 16 In section 87(4) of the Adults with Incapacity (Scotland) Act...

International Criminal Court (Scotland) Act 2001

- 17 (1) Schedule 6 of the International Criminal Court (Scotland) Act...

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Debt Arrangement and Attachment (Scotland) Act 2002

18 (1) The Debt Arrangement and Attachment (Scotland) Act 2002 is...

Agricultural Holdings (Scotland) Act 2003

19 In section 93 of the Agricultural Holdings (Scotland) Act 2003...

Fire (Scotland) Act 2005

20 In schedule 1A of the Fire (Scotland) Act 2005 (the...

Further and Higher Education (Scotland) Act 2005

21 In schedule 2B of the Further and Higher Education (Scotland)...

Charities and Trustee Investment (Scotland) Act 2005

22 In section 70(3)(b) of the Charities and Trustee Investment (Scotland)...

Licensing (Scotland) Act 2005

23 In section 28(8) of the Licensing (Scotland) Act 2005 (period...

Bankruptcy and Diligence etc. (Scotland) Act 2007

24 (1) The Bankruptcy and Diligence etc. (Scotland) Act 2007 is...

Criminal Proceedings etc. (Reform) (Scotland) Act 2007

25 In section 73(2)(b) of the Criminal Proceedings etc. (Reform) (Scotland)...

Legal Services (Scotland) Act 2010

26 (1) The Legal Services (Scotland) Act 2010 is amended as...

Housing (Scotland) Act 2010

27 (1) The Housing (Scotland) Act 2010 is amended as follows....

Food (Scotland) Act 2015

28 In section 58(1) of the Food (Scotland) Act 2015 (general...

SCHEDULE 9 — REPEALS AND REVOCATIONS

PART 1 — REPEALS

PART 2 — REVOCATIONS

Status:

Point in time view as at 31/05/2021.

Changes to legislation:

Bankruptcy (Scotland) Act 2016 is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.