
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 295

The Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016

PART 2

Applications: general

Application procedure: first instance applications to the Accountant in Bankruptcy

6.—(1) This regulation applies to any application under the Act for which a form is prescribed by these Regulations (except a review application).

(2) A copy of such an application must, before the application is made, be sent by the applicant—

(a) to any person specified in the Act as a person—

(i) to be notified of the application;

(ii) able to make representations in relation to the application; or

(iii) able to seek review of or to appeal the decision on that application; and

(b) to any other interested person.

(3) Under paragraph (2), the application must be sent to the proper address of the person—

(a) by a registered post service (as defined in section 125(1) of the Postal Services Act 2000); or

(b) by a postal service which provides for the delivery of the document to be recorded.

(4) An applicant required to send an application under paragraph (2), or ordered to serve an application by AiB under the Act or paragraph (6), must inform the recipient in writing that the person has the right to make representations to AiB in relation to the application within any period provided for in the Act or paragraph (10).

(5) The applicant must, if requested to do so by AiB, provide AiB with evidence of delivery of that application to the persons to whom it has been delivered.

(6) AiB may require the application to be sent by the applicant to such persons as AiB deems appropriate.

(7) Where an application is incomplete it may be rejected by AiB.

(8) Where an application is unopposed it must be granted without the attendance of parties, unless AiB directs otherwise.

(9) Any representations made under the Act by any person in relation to an application must be made in writing by any means by which an application may be made (see regulation 4(1)).

(10) Where no time limit for such representations is specified in the Act or these Regulations, the representations must be made within 14 days beginning with the day on which the application was made.

Changes to legislation: There are currently no known outstanding effects for the The Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016, Section 6. (See end of Document for details)

(11) Paragraphs (2) to (4) and (9) do not apply to the extent that equivalent provision is made in the Act or these Regulations, or service is ordered by AiB under a provision of the Act.

(12) In paragraph (3) the “proper address” of a person means—

- (a) in the case of a body corporate, the address of the registered or principal office of the body;
- (b) in the case of a partnership, the address of any place of business of the partnership where it appears to the applicant service will be effective;
- (c) in any other case, the last known address of the person.

Commencement Information

II [Reg. 6](#) in force at 30.11.2016, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016, Section 6.