

SCHEDULE 1

Rule 1.4(1)

FORMS

Form 5.7

Rule 5.7

**Certificate of intimation**

SHERIFFDOM OF *(sheriffdom)* AT *(place)*

Court reference no.

CERTIFICATE OF INTIMATION

in the sequestration of

[C.D.] *(designation and address of debtor)*

1. I certify that I gave intimation of *(specify document or other matter to be intimated)* to *(insert name of receiving party)*.
2. Intimation was given by *(specify method of intimation authorised by rule 5.3)*.
3. Intimation was given on *(insert date)*.

(Signed)

[A.B.], Petitioner *[or Appellant]* *[or Applicant]* *[or Debtor]*  
*[or X.Y.], Solicitor for Petitioner [or Appellant] [or Applicant] [or Debtor]*  
*[or P.Q.], Sheriff Officer*  
*(insert business address of solicitor or sheriff officer)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 6.1–A

Rule 6.1(1)

### Form of petition for sequestration

SHERIFFDOM OF *(sheriffdom)* AT *(place)*

PETITION

of

[A.B.] *(designation and address)*

PETITIONER

for sequestration of the estate of

[C.D.] *(designation and address)*

DEBTOR

The petitioner craves the court:

1. To grant warrant to cite the debtor *(or specify other persons in respect of whom warrant to cite is sought)* to appear before the sheriff on such date as is specified in the warrant (being no fewer than 6 and no more than 14 days after the date of citation) to show cause why sequestration of the estate of the debtor should not be awarded.
2. To award sequestration of the estate of the debtor.
3. To declare that the debtor’s estate belongs to the creditors of the debtor.
4. To appoint [E.F.] *(designation and address of trustee)* [or the Accountant in Bankruptcy] as trustee.
5. To make any further orders that seem appropriate to the court.
6. To find the petitioner entitled to the expenses of this application out of the debtor’s estate.

### STATEMENT OF FACTS

1. The petitioner is as designed in the instance. The petitioner seeks sequestration of the estate of *(specify debtor)* (“the debtor”) as *(insert qualified creditor, temporary administrator, member State liquidator, foreign representative, or trustee under trust deed)*. *(where warrant is sought to cite persons other than the debtor, specify relevant capacity, e.g. representative of deceased debtor)*.

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2.
  - (a) *(state basis of jurisdiction in terms of section 15 of the Bankruptcy (Scotland) Act 2016)*
  - (b) *(state basis of compatibility of court's jurisdiction with Article 3 of the EC insolvency proceedings regulation in terms of section 12 of the Bankruptcy (Scotland) Act 2016)*
3. *(where petitioner is a qualified creditor)*
  - (a) The petitioner is a qualified creditor of the debtor to the extent of *(specify sum)* as evidenced by the oath by the petitioner and the attached supporting vouchers.
  - (b) The debtor has been rendered apparently insolvent by virtue of *(state appropriate ground in terms of section 16 of the Bankruptcy (Scotland) Act 2016)*. Apparent insolvency was constituted within 4 months before the date of presentation of this petition.
  - (c) *(where debtor is a living debtor)* A debt advice and information package was provided to the debtor on *(insert date)*, *[or*
3. *(where petitioner is a temporary administrator or member state liquidator)*

The petitioner is a temporary administrator *[or* a member State liquidator appointed in main proceedings] within the meaning of Council Regulation (EC) No. 1346/2000 of 29 May 2000 on insolvency proceedings. This is evidenced by the attached supporting documentation.] *[or*
3. *(where petitioner is a foreign representative)*

The petitioner is a foreign representative within the meaning of the Model Law on Cross-Border Insolvency. This is evidenced by the attached supporting documentation.] *[or*
3. *(where petitioner is a trustee under a trust deed)*
  - (a) On *(date)* the debtor granted a trust deed in favour of the petitioner. A copy of the trust deed is attached.
  - (b) The debtor has failed to comply with *(specify obligation, instruction or requirement with which the respondent has failed to comply in terms of section 2(7) of the Bankruptcy (Scotland) Act 2016)*. *[or*
  - (b) It would be in the best interests of that an award of sequestration be made because *(specify reasons)*.]
4. In order to realise the debtor's estate for the benefit of the debtor's creditors, the petitioner has to apply to the court for the sequestration of that estate in terms of the Bankruptcy (Scotland) Act 2016.
5. *(where trustee nominated)* [E.F.] satisfies the conditions specified in section 51(1)(b) of the Bankruptcy (Scotland) Act 2016. A copy of [E.F.]'s undertaking is attached. *[or*
5. *(where no trustee nominated)* The petitioner accepts that the Accountant in Bankruptcy will be the trustee in the sequestration.]
- [6. *(If appointment of interim trustee is craved, specify the circumstances that render this necessary.)*]

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7. A copy of this petition has been sent today to the Accountant in Bankruptcy.

PLEA IN LAW

*(insert appropriate plea-in-law)*

*(Date of petition)*

(Signed)

[A.B.], Petitioner

*[or [X.Y.], Solicitor for Petitioner*

*(insert business address of solicitor)]*

Form 6.1–B

Rule 6.1(2)

**Form of undertaking by prospective trustee**

1. I am a qualified insolvency practitioner.
2. If I am appointed by the court, I undertake to act as trustee in the sequestration of [C.D.].

*(Date of undertaking)*

(Signed)

[A.B.], Prospective Trustee

## Form 6.2

Rule 6.2(2)

### Form of debt payment programme and moratorium on diligence statement

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

STATEMENT

by

[A.B.] (*designation and address*)

PETITIONER

in the sequestration of

[C.D.] (*designation and address*)

DEBTOR

1. The petitioner states that, at the date of lodging this petition, the petitioner has checked the Register of Insolvencies and the DAS Register and is satisfied that the debtor whose sequestration is craved has not given notice to the Accountant in Bankruptcy in accordance with section 195(1) or 196(1) of the Bankruptcy (Scotland) Act 2016. [*or*
1. The petitioner states that the debtor whose sequestration is craved has given notice to the Accountant in Bankruptcy in accordance with section 195(1) or 196(1) of the Bankruptcy (Scotland) Act 2016, but that the resultant moratorium period has ended because (*state reason with reference to section 198 of the Bankruptcy (Scotland) Act 2016.*)
2. The petitioner further states that at the date of lodging this petition, the petitioner has checked the DAS Register and is satisfied that the debtor whose sequestration is craved is not subject to an approved debt payment programme. [*or*
2. The petitioner further states that the debtor whose sequestration is craved is the subject of an approved debt payment programme, but the debt founded on by the petitioner is not one mentioned in section 4(5) of the Debt Arrangement and Attachment (Scotland) Act 2002.]

(*Date of statement*)

(Signed)

[A.B.], Petitioner

[*or* [X.Y.], Solicitor for Petitioner

(*insert business address of solicitor*)]

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## Form 6.3–A

Rule 6.3(2)

### Form of citation

SHERIFFDOM OF *(sheriffdom)* AT *(place)*

Court reference no.

CITATION

in the petition of

[A.B.] *(designation and address)*

PETITIONER

for sequestration of the estate of

[C.D.] *(designation and address)*

DEBTOR

*(place and date)*

1. You, [C.D.], are served with this copy petition and warrant of citation.
2. If you want to show cause why sequestration should not be awarded, you should attend court at *(name and address of sheriff court)* on *(date)*.
3. **IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE** you should consult a solicitor. You may be eligible for legal aid depending on your circumstances. A solicitor can give you information about legal aid. You may also obtain advice from any Citizens Advice Bureau or other advice agency.
4. **PLEASE NOTE THAT IF YOU DO NOTHING IN ANSWER TO THIS DOCUMENT** the court may award sequestration.

(Signed)

[P.Q.], Sheriff Officer

*[or [X.Y.], Solicitor for Petitioner*

*(insert business address of solicitor)]*

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## Form 6.3–B

Rule 6.3(3)

### Form of certificate of citation

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

Court reference no.

CERTIFICATE OF CITATION

in the petition of

[A.B.] (*designation and address*)

PETITIONER

for sequestration of the estate of

[C.D.] (*designation and address*)

DEBTOR

(*place and date*)

1. I, [P.Q.] [*or* [X.Y.]] certify that on (*date*) I cited [C.D.] to answer to the attached petition by appearing at (*name and address of sheriff court*) on (*date*).
2. I did this by (*state method of service*).
3. (*if served by sheriff officer*) I did this in the presence of [R.S.], (*designation*), witness.]

(Signed)

[P.Q.], Sheriff Officer

[R.S.], witness

[*or* [X.Y.], Solicitor for Petitioner

(*insert business address of solicitor*)]

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## Form 7.1–A

Rule 7.1(1)

### Form of application under Bankruptcy (Scotland) Act 2016

SHERIFFDOM OF *(sheriffdom)* AT *(place)*

APPLICATION

under

*(specify provision)* of the Bankruptcy (Scotland) Act 2016

by

[A.B.] *(designation and address)*

APPLICANT

in the sequestration of

[C.D.] *(designation and address)*

DEBTOR

The applicant requests the sheriff to:

1. *(State briefly the nature of the application.)*

#### STATEMENT

1. *(State briefly (in numbered paragraphs) the facts and propositions of law on which the application is made.)*

*(where application relates to an AiB sequestration, include the date of the sequestration, the name and address of the trustee in the sequestration, and the name and address of any former or interim trustee.)*

*(Date of application)*

*(Signed)*

[A.B.], Applicant

*[or [X.Y.], Solicitor for Applicant*

*(insert business address of solicitor)]*



## Form 7.1–B

Rule 7.1(2)

### Form of application for direction under Bankruptcy (Scotland) Act 2016

SHERIFFDOM OF *(sheriffdom)* AT *(place)*

APPLICATION FOR A DIRECTION

under

*(specify provision)* of the Bankruptcy (Scotland) Act 2016

by

The Accountant in Bankruptcy

APPLICANT

in the sequestration of

[C.D.] *(designation and address of debtor)*

The applicant requests the sheriff to give a direction on:

1. *(State briefly the issue in respect of which a direction is sought.)*

#### STATEMENT OF FACTS

1. *(State briefly (in numbered paragraphs) the facts on which the application is made.)*

*(where application relates to an AiB sequestration, include the date of the sequestration, the name and address of the trustee in the sequestration, and the name and address of any former or interim trustee.)*

*(Date of application)*

(Signed)

Accountant in Bankruptcy

*[or [X.Y.], Solicitor for Applicant]*

*[(insert business address of solicitor)]*

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## Form 7.2

### Rule 7.2

#### **Form of remit by Accountant in Bankruptcy**

SHERIFFDOM OF *(sheriffdom)* AT *(place)*

REMIT TO THE SHERIFF

by

The Accountant in Bankruptcy

under

section 36(1) [*or* section 36(2)] of the Bankruptcy (Scotland) Act 2016

in the sequestration of

[C.D.] *(designation and address of debtor)*

The Accountant in Bankruptcy remits the application [*or* case] to the sheriff.

#### STATEMENT OF FACTS

1. *(State briefly (in numbered paragraphs) the facts relevant to the remitted application or case.)*

*(where remit relates to an AiB sequestration, include the date of the sequestration, the name and address of the trustee in the sequestration, and the name and address of any former or interim trustee.)*

*(Date of remit)*

*(Signed)*

Accountant in Bankruptcy

*[or [X.Y.], Solicitor for Accountant in Bankruptcy]*

*[(insert business address of solicitor)]*

## Form 7.5

### Rule 7.5

#### **Form of report by the original trustee**

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

REPORT TO THE SHERIFF

under

section 49(8) [*or* section 49(9)] of the Bankruptcy (Scotland) Act 2016

by

[A.B.], (*designation and address*) [*or* The Accountant in Bankruptcy]

ORIGINAL TRUSTEE

in the sequestration of

[C.D.] (*designation and address of debtor*)

1. The original trustee in the above sequestration reports to the sheriff that a statutory meeting was called in accordance with the provisions of section 44 of the Bankruptcy (Scotland) Act 2016.
2. That meeting took place and no creditor entitled to vote in the election of the trustee attended. [*or*
2. The meeting was attended by (*number of creditors attending*) creditors or their representatives. They were advised of their right to elect a trustee and commissioners, but no trustee was elected.]
3. A copy of the record of the meeting and of the trustee's statement of the debtor's affairs are attached.
- [4. (*where original trustee is not Accountant in Bankruptcy*) A copy of this report has been sent to the Accountant in Bankruptcy in accordance with section 49(9) of the Bankruptcy (Scotland) Act 2016.]

(*Date of report*)

(Signed)

[A.B.], Original Trustee [*or* Accountant in Bankruptcy]

[*or* [X.Y.], Solicitor for Original Trustee [*or* Accountant in Bankruptcy]]

[(*insert business address of solicitor*)]

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## Form 9.1

Rule 9.1

### Form of note of appeal to sheriff

SHERIFFDOM OF *(sheriffdom)* AT *(place)*

#### NOTE OF APPEAL

under

*(specify provision)* of the Bankruptcy (Scotland) Act 2016

by

[A.B.], *(designation and address)*

APPELLANT

in the sequestration of

[C.D.] *(designation and address of debtor)*

1. The appellant appeals to the sheriff against the decision of *(specify decision-maker and nature of decision)* made on *(date)*.
2. *(where appeal relates to an AiB sequestration, specify the date of the sequestration, the name and address of the trustee in the sequestration, and the name and address of any former or interim trustee.)*

#### GROUND(S) OF APPEAL

2. *(State briefly (in numbered paragraphs) the grounds of appeal.)*

#### ORDER(S) SOUGHT

3. *(State briefly (in numbered paragraphs) the orders sought by the appellant.)*

*(Date of appeal)*

(Signed)

[A.B.], Appellant

*[or [X.Y.], Solicitor for Appellant*

*(insert business address of solicitor)]*

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## Form 11.4

Rule 11.4(1)

### Form of motion

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

Court reference no.

MOTION]

by

[A.B.], (*designation and address*)

PETITIONER [*or APPELLANT*]

[*or APPLICANT*] [*or DEBTOR*]

in the sequestration of

[C.D.] (*designation and address of debtor*)

Date: (*date of intimation*)

1. The petitioner [*or appellant*] [*or applicant*] [*or respondent*] moves the court to (*specify details of the motion*).
2. (*State briefly (in numbered paragraphs) the grounds for the motion*).
3. The last date for lodging opposition to the motion is (*last date for lodging opposition*).
4. (*Where a copy of a document accompanies the motion in accordance with rule 11.4(2), list the document(s) in question.*)

(Signed)

[A.B.], Petitioner [*or Appellant*] [*or Applicant*]  
[*or Debtor*]

[*or* [X.Y.], Solicitor for Petitioner [*or Appellant*]  
[*or Applicant*] [*or Debtor*]

(*insert business address of solicitor*)

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## Form 11.5

Rule 11.5(1)

### Form of opposition to motion

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

Court reference no.

OPPOSITION TO MOTION

by

[A.B.], (*designation and address*)

PETITIONER [*or APPELLANT*]

[*or APPLICANT*] [*or DEBTOR*]

in the sequestration of

[C.D.] (*designation and address of debtor*)

Date of intimation of motion: (*date*)

Date of intimation of opposition to motion: (*date*)

1. The petitioner [*or appellant*] [*or applicant*] [*or debtor*] opposes the motion by the debtor [*or petitioner*] [*or appellant*] [*or applicant*].
2. (*State briefly (in numbered paragraphs) the grounds for opposing the motion.*)

(Signed)

[A.B.], Petitioner [*or Appellant*] [*or Applicant*]  
[*or Debtor*]

[*or* [X.Y.], Solicitor for Petitioner [*or Appellant*]  
[*or Applicant*] [*or Debtor*]

(*insert business address of solicitor*)

## Form 12.3

Rule 12.3(1)

### Notice of peremptory hearing

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

Court reference no.

NOTICE OF PEREMPTORY HEARING

in the sequestration of

[C.D.] (*designation and address of debtor*)

1. The Court has been informed that your solicitor no longer represents you.
2. As a result, the Court has made an order that you should attend or be represented at a peremptory hearing at (*insert place*) on (*insert date and time*).
3. At the peremptory hearing, you will have to tell the Court whether you intend to proceed.

(Signed)

[A.B.], Petitioner [*or Appellant*] [*or Applicant*] [*or Debtor*]

[*or* X.Y.], Solicitor for Petitioner [*or Appellant*] [*or Applicant*] [*or Debtor*]

(*insert business address of solicitor*)

**IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE, you should consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency.**

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## Form 14.2–A

Rule 14.2(1)

### Child witness notice

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

Court reference no.

#### CHILD WITNESS NOTICE

under section 12 of the Vulnerable Witnesses (Scotland) Act 2004

by

[A.B.], (*designation and address*)

PETITIONER [*or APPELLANT*]

[*or APPLICANT*] [*or DEBTOR*]

in the sequestration of

[C.D.] (*designation and address of debtor*)

1. The applicant is the petitioner [*or appellant*] [*or applicant*] [*or debtor*].
2. The applicant has cited [*or intends to cite*] [E.F.] (*date of birth*) as a witness.
3. [E.F.] is a child witness under section 11 of the Vulnerable Witnesses (Scotland) Act 2004 [and was under the age of eighteen on the date of the commencement of proceedings.]
4. The applicant considers that the following special measure[s] is [*or are*] the most appropriate for the purpose of taking the evidence of [E.F.] [*or that*] [E.F.] should give evidence without the benefit of any special measure]:  
*(specify any special measure(s) sought).*
5. The reason[s] this [*or these*] special measure[s] is [*or are*] considered the most appropriate is [*or are*] as follows:  
*(specify the reason(s) for the special measure(s) sought).* [*or*
5. The reason[s] it is considered that [E.F.] should give evidence without the benefit of any special measure is [*or are*]:  
*(explain why it is felt that no special measures are required).*
6. [E.F.] and the parent[s] of [*or*] [person[s] with parental responsibility for] [E.F.] has [*or have*] expressed the following view[s] on the special measure[s] that is [*or are*] considered most appropriate [*or the appropriateness of*] [E.F.] giving evidence without the benefit of any special measure]:  
*(specify the view(s) expressed and how they were obtained).*



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7. Other information considered relevant to this application is as follows:  
*(state briefly any other information relevant to the child witness notice).*
8. The applicant asks the sheriff to—
  - (a) consider this child witness notice; and
  - (b) make an order authorising the special measure[s] sought; *[or*
  - (b) make an order authorising the giving of evidence by [E.F.] without the benefit of special measures.]

(Signed)

[A.B.], Applicant

*[or* [X.Y.], Solicitor for Applicant

*(insert business address of solicitor)*]

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 14.2–B

Rule 14.2(2)

### Vulnerable witness application

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

Court reference no.

#### VULNERABLE WITNESS APPLICATION

under section 12 of the Vulnerable Witnesses (Scotland) Act 2004

by

[A.B.], (*designation and address*)

PETITIONER [*or APPELLANT*]

[*or APPLICANT*] [*or DEBTOR*]

in the sequestration of

[C.D.] (*designation and address of debtor*)

1. The applicant is the petitioner [*or appellant*] [*or applicant*] [*or debtor*].
2. The applicant has cited [*or intends to cite*] [E.F.] (*date of birth*) as a witness.
3. The applicant considers that [E.F.] is a vulnerable witness under section 11(1)(b) of the Vulnerable Witnesses (Scotland) Act 2004 for the following reasons:  
*(specify why the witness is considered to be a vulnerable witness.)*
4. The applicant considers that the following special measure[s] is [*or are*] the most appropriate for the purpose of taking the evidence of [E.F.]:  
*(specify any special measure(s) sought.)*
5. The reason[s] this [*or these*] special measure[s] is [*or are*] considered the most appropriate is [*or are*] as follows:  
*(specify the reason(s) for the special measure(s) sought.)*
6. [E.F.] has expressed the following view[s] on the special measure[s] that is [*or are*] considered most appropriate:  
*(specify the view(s) expressed and how they were obtained.)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

7. Other information considered relevant to this application is as follows:  
*(state briefly any other information relevant to the vulnerable witness application.)*
8. The applicant asks the sheriff to—
  - (a) consider this vulnerable witness application; and
  - (b) make an order authorising the special measure[s] sought.

(Signed)

[A.B.], Applicant  
[or [X.Y.], Solicitor for Applicant  
*(insert business address of solicitor)*]

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 14.2–C

Rule 14.2(3)

### Application for review of arrangements for vulnerable witness

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

Court reference no.

APPLICATION FOR REVIEW OF ARRANGEMENTS FOR VULNERABLE WITNESSES

under section 13 of the Vulnerable Witnesses (Scotland) Act 2004

by

[A.B.], (*designation and address*)

PETITIONER [*or APPELLANT*]

[*or APPLICANT*] [*or DEBTOR*]

in the sequestration of

[C.D.] (*designation and address of debtor*)

1. The applicant is the petitioner [*or appellant*] [*or applicant*] [*or debtor*].
2. A proof [*or hearing*] is fixed for (*date*) at (*time*).
3. [E.F.] is a witness who is to give evidence at, or for the purposes of, the proof [*or hearing*]. [E.F.] is a child witness [*or vulnerable witness*] under section 11 of the Vulnerable Witnesses (Scotland) Act 2004.
4. The current arrangements for taking the evidence of [E.F.] are (*specify the current arrangements*).
5. The current arrangements should be reviewed because (*specify reasons for review*).
6. [E.F.] [and the parent[s] of [*or person[s] with parental responsibility for*] [E.F.]] has [*or have*] expressed the following view[s] on the special measure[s] that is [*or are*] considered most appropriate [*or the appropriateness of*] [E.F.] giving evidence without the benefit of any special measure]:  
  
(*specify the view(s) expressed and how they were obtained.*)
7. The applicant seeks (*specify the order sought*).

(Signed)

[A.B.], Applicant

[*or*] [X.Y.], Solicitor for Applicant

(*insert business address of solicitor*)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 14.8–A

Rule 14.8(2)

### **Form of oath for witness**

I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

## Form 14.8–B

Rule 14.8(3)

### **Form of affirmation for witness**

I solemnly, sincerely and truly declare and affirm that I will tell the truth, the whole truth and nothing but the truth.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 16.3

Rule 16.3(3)

### Representations about a proposed order restricting the reporting of proceedings

SHERIFFDOM OF (*sheriffdom*) AT (*place*)

Court reference no.

#### REPRESENTATIONS

by

[A.B.] (*designation and address*)

APPLICANT

1. On (*date*) the sheriff at (*place*) made an interim order under rule 16.2(1) of the Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016 in (*name of proceedings (and court reference), if known*)).
2. The applicant is a person who would be directly affected by an order restricting the reporting of proceedings because:  
(*state briefly (in numbered paragraphs) the reasons.*)
3. The applicant wishes to make the following representations:  
(*state briefly (in numbered paragraphs) the representations.*)
4. The applicant seeks an urgent hearing on these representations because:  
(*state briefly (in numbered paragraphs) why an urgent hearing is necessary.*)

(Signed)

[A.B.], Applicant

[*or* [X.Y.], Solicitor for Applicant

(*insert business address of solicitor*)]

## Form 16.5

Rule 16.5(2)

### **Application for variation or revocation of an order restricting the reporting of proceedings**

SHERIFFDOM OF *(sheriffdom)* AT *(place)*

Court reference no.

APPLICATION

by

[A.B.] *(designation and address)*

APPLICANT

1. On *(date)* the sheriff at *(place)* made an order restricting the reporting of proceedings in *(name of proceedings (and court reference, if known))*.
2. The applicant seeks variation [*or revocation*] of the order because:  
*(state briefly (in numbered paragraphs) the reasons for the application.)*
3. The applicant seeks to vary the order by:

*(state briefly (in numbered paragraphs) the proposed variation(s).)*

(Signed)

[A.B.], Applicant

[*or* [X.Y.], Solicitor for Applicant

*(insert business address of solicitor)*]

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SCHEDULE 2

Rule 1.4(2)

FORMS FOR USE IN REGISTER OF INHIBITIONS

**Interpretation**

1. References in this schedule to forms are to the forms in the appendix to the schedule.

**Forms**

2.—(1) A memorandum to the Keeper of the Register of Inhibitions under section 26(6) of the 2016 Act (registration of warrant etc. – renewal of effect – trustee not discharged) is to be in Form A.

(2) A memorandum to the Keeper of the Register of Inhibitions under section 26(8) of the 2016 Act (registration of warrant etc. – renewal of effect – newly identified estate) is to be in Form B.

(3) A notice under paragraph 3(1) of schedule 4 of the 2016 Act (notice of trust deed) is to be in Form C.

(4) A notice under paragraph 3(3) of schedule 4 of the 2016 Act (recall of notice of trust deed) is to be in Form D.

**APPENDIX**

**Form A**

**Form of memorandum by trustee under section 26(6) of the Bankruptcy (Scotland) Act 2016**

From: [A.B.] (*designation and address*), trustee in the sequestration of [C.D.] (*designation and address of debtor*)

To: The Keeper of the Register of Inhibitions

A certified copy of the court order of (*date*) awarding sequestration in respect of (*name and address of debtor*) was recorded in your Register on (*date*).

Record this memorandum to renew the effect mentioned in section 26(3) of the Bankruptcy (Scotland) Act 2016 for a further period of 3 years.

(*Date*)

(Signed)

[A.B.], Trustee

[*or* [X.Y.], Solicitor for Trustee

(*insert business address of solicitor*)]



## Form B

### **Form of memorandum by trustee under section 26(8) of the Bankruptcy (Scotland) Act 2016**

From: [A.B.] (*designation and address*), trustee in the sequestration of [C.D.] (*designation and address of debtor*)

To: The Keeper of the Register of Inhibitions

A certified copy of the court order of (*date*) awarding sequestration in respect of [C.D.] (*designation and address of debtor*) was recorded in your Register on (*date*).

On (*date*), I was appointed [*or* reappointed] as trustee on the estate of [C.D.] under section 152(3) of the Bankruptcy (Scotland) Act 2016.

The Accountant in Bankruptcy gave notice in accordance with section 153(1) on (*date*).

Record this memorandum to impose the effect mentioned in section 26(3) of the Bankruptcy (Scotland) Act 2016 for a period of 3 years from the date of that notice.

(*Date*)

(Signed)

[A.B.], Trustee

[*or* [X.Y.], Solicitor for Trustee

(*insert business address of solicitor*)]

## Form C

### **Form of notice of inhibition by trustee under paragraph 3(1) of schedule 4 to the Bankruptcy (Scotland) Act 2016**

A trust deed within the meaning of Part 14 of the Bankruptcy (Scotland) Act 2016 has been granted by [A.B.] (*designation and address*).

It has been delivered to [C.D.] (*designation and address*) as trustee under the trust deed.

Under the trust deed, the estate of [A.B.] has been conveyed to [C.D.] as trustee for the benefit of the creditors generally of [A.B.].

(*Date*)

(Signed)

[C.D.], Trustee

[*or* [X.Y.], Solicitor for Trustee

(*insert business address of solicitor*)]

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## Form D

### Form of notice of recall of inhibition by trustee under paragraph 3(3) of schedule 4 of the Bankruptcy (Scotland) Act 2016

A trust deed within the meaning of Part 14 of the Bankruptcy (Scotland) Act 2016 has been granted by [A.B.] (*designation and address*).

It has been delivered to [C.D.] (*designation and address*) as trustee under the trust deed.

Under the trust deed, the estate of [A.B.] has been conveyed to [C.D.] as trustee for the benefit of the creditors generally of [A.B.].

On (*date*), [C.D.] caused a notice under paragraph 3(1) of schedule 4 of the Bankruptcy (Scotland) Act 2016 to be recorded in the Register of Inhibitions.

That notice is now recalled.

(*Date*)

(Signed)

[C.D.], Trustee

[or [X.Y.], Solicitor for Trustee

(*insert business address of solicitor*)]

## SCHEDULE 3

Rule 6.5

### SERVICE OF DOCUMENTS FURTH OF SCOTLAND

#### Interpretation of this Schedule

1. In this Schedule—

“consular service” is to be construed in accordance with paragraph 8;

“EU member state” means a state which is a member of the European Union, within the meaning of Part II of schedule 1 of the European Communities Act 1972<sup>(1)</sup>;

“Hague Convention country” means a country in respect of which the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters is in force, other than an EU member state<sup>(2)</sup>;

“personal service” is to be construed in accordance with paragraph 9;

“postal service” is to be construed in accordance with paragraph 10;

“Service Regulation” means Regulation (E.C.) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and

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(1) 1972 c. 68.

(2) See the status table at <https://www.hoch.net/en/instruments/conventions/status-table/?cid=17>.

extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (E.C.) No. 1348/2000, as amended from time to time.

### **Service furth of Scotland**

2.—(1) Service of a document furth of Scotland is to be effected in accordance with this paragraph.

(2) If the person's known residence or place of business is in England and Wales, Northern Ireland, the Isle of Man or the Channel Islands, see paragraph 3.

(3) If the person's known residence or place of business is in an EU member state (including Denmark), see paragraph 4.

(4) If the person's known residence or place of business is in a Hague Convention country (other than an EU member state), see paragraph 5.

(5) If the person's known residence or place of business in a country with which the United Kingdom has a convention about how to serve court documents (such as Algeria, Libya and the United Arab Emirates), see paragraph 6.

(6) If none of the above applies, see paragraph 7.

### **Service in England and Wales etc.**

3.—(1) A document may be served in England and Wales, Northern Ireland, the Isle of Man or the Channel Islands by—

- (a) postal service; or
- (b) personal service.

(2) Personal service may be effected by a person who is authorised to do so under the domestic law of the place where the document is to be served.

### **Service in an EU member state**

4.—(1) A document may be served in an EU member state (including Denmark) under the Service Regulation by—

- (a) postal service;
- (b) service by transmitting agency;
- (c) direct service, where the law of the member state permits it;
- (d) consular service.

(2) Service by transmitting agency may be effected by sending the document to a messenger-at-arms and instructing them to arrange for it to be served.

(3) Direct service may be effected by sending the document to a person who is entitled to serve court documents in that member state and asking them to arrange for it to be served.

(4) Where service is to be effected by transmitting agency, the party must give the messenger-at-arms a translation of the document into a language which the recipient understands or an official language of the member state where the document is to be served.

### **Service in a Hague Convention country**

5.—(1) A document may be served in a Hague Convention country (other than an EU member state) by—

- (a) postal service, where the law of the country permits it;

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- (b) service via central authority;
- (c) consular service;
- (d) service by competent person, where the law of the country permits it.

(2) Service via central authority may be effected by sending the document to the Scottish Ministers and asking them to arrange for it to be served.

(3) Service by competent person may be effected by sending the document to a person who is entitled to serve court documents in that country and asking them to arrange for it to be served.

(4) Any document must be accompanied by a translation into an official language of the country where it is to be served, unless English is an official language of that country.

### **Service in a country with which the United Kingdom has a convention about how to serve court documents**

6. A document may be served in a country with which the United Kingdom has a convention about how to serve court documents by any method that is permitted by the convention.

### **Service in any other country**

7.—(1) Where none of paragraphs 3 to 6 apply, a document may be served by—

- (a) postal service;
- (b) personal service.

(2) Where service is effected by personal service, the party executing service must lodge a certificate stating that the method of service employed is in accordance with the law of the country where service was executed.

(3) That certificate is to be given by a person who—

- (a) practises or has practised law in that country; or
- (b) is an accredited representative of that country's government, conversant with the law of that country.

### **Consular service**

8.—(1) Consular service is service by a British consular authority.

(2) Consular service may be effected only if—

- (a) the law of the member state where the document is to be served permits it; or
- (b) the document is being served on a British national.

(3) Consular service may be effected by sending the document to the Secretary of State for Foreign and Commonwealth Affairs and asking the Secretary of State to arrange for it to be served by a British consular authority.

### **Personal service**

9.—(1) Personal service is service using the rules for personal service under the domestic law of the place where the document is to be served.

(2) Personal service may be effected by a person who is authorised to do so under the domestic law of the place where the document is to be served.

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### Postal service

**10.**—(1) Postal service is service by posting the document to the person’s home or business address using a postal service which records delivery.

(2) Postal service may be effected by a solicitor or a sheriff officer.

(3) Where postal service is used, the envelope containing the document must have the following label printed or written on it—

**THIS ENVELOPE CONTAINS A** *(name of document)* **FROM** *(name of sheriff court),*  
**SCOTLAND**

**IF DELIVERY CANNOT BE MADE, THE LETTER MUST BE RETURNED TO THE**  
**SHERIFF CLERK AT**

*(full address of sheriff court)*

(4) That label must be translated into an official language of the country where the document is to be served, unless English is an official language of that country.

### Certification of translations

**11.**—(1) This paragraph applies where this schedule requires a document to be translated into a language other than English.

(2) The party executing service must lodge a certificate stating that the translation is correct.

(3) That certificate—

(a) is to be given by the person who made the translation;

(b) must include the full name, address and qualifications of the translator.