
STATUTORY INSTRUMENTS

2016 No. 1034

The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016

Provisions ancillary to sections 118 and 119 of the 2016 Act

3.—(1) If a debtor or relevant person is to be examined under section 118 or 119 of the 2016 Act and is residing in a part of the United Kingdom other than Scotland, the sheriff may on the application of the trustee grant a warrant for the arrest of the debtor or relevant person and to have the arrested person taken to the place of the examination.

(2) But a warrant under paragraph (1) must not be granted unless the sheriff is satisfied that it is necessary to grant it to secure the attendance of the debtor or relevant person at the examination.

(3) If the debtor or relevant person is for any good reason prevented from attending for examination, the sheriff may grant a commission to take the examination of the debtor or relevant person (the commissioner being, in this article and in section 121 of the 2016 Act, referred to as an “examining commissioner”).

(4) Paragraph (3) is without prejudice to paragraph (5).

(5) The sheriff or the examining commissioner may at any time adjourn the examination to such day as the sheriff or examining commissioner may fix.

(6) The sheriff or examining commissioner may order the debtor or a relevant person to produce for inspection any document—

- (a) in the custody or control of the person so ordered; and
- (b) relating to the debtor’s assets, the debtor’s dealings with those assets or the debtor’s conduct in relation to the debtor’s business or financial affairs,

and to deliver the document or a copy of the document to the trustee in the sequestration for further examination by the trustee.

(7) In this article—

“examination” means a private examination under section 118, or a public examination under section 119, of the 2016 Act;

“relevant person” means a spouse, civil partner or any other person who the trustee believes can give information relating to the debtor’s assets, the debtor’s dealings with them or the debtor’s conduct in relation to the debtor’s business or financial affairs.