SCOTTISH STATUTORY INSTRUMENTS

2014 No. 225

INSOLVENCY

BANKRUPTCY

The Bankruptcy (Scotland) Regulations 2014

Made - - - -	*20th August 2014*
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Coming into force - -	*1st April 2015*

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SCHEDULE 1 — FORMS
SCHEDULE 2 — REGISTER OF INSOLVENCIES

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1A(1)(b) and (5), 2(8), 5(2ZA)(a)(ii), (2D) and (6A), 6(7), 7(1)(d), 11(1), 19(2), 22(2)(a) and (6), 23(1)(a), 32(9A), 40(3B), 43A(2), 43B(1), 45(3)(a), 49(3), 51(7)(a), 54(2), 54A(2), 54C(2), 54D(2)(a) and (c), 54E(2) and (5), 69, 71C, 72(1A) and 73(1) of and paragraphs 5(1) and 6 of Schedule 3 to the Bankruptcy (Scotland) Act 1985(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Bankruptcy (Scotland) Regulations 2014 and come into force on 1st April 2015.

Interpretation

2.—(1) In these Regulations, "the 1985 Act" means the Bankruptcy (Scotland) Act 1985.

(2) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**b**), which has been recorded and is consequently capable of being reproduced.

Forms

Forms

3.—(1) The forms set out in Schedule 1 to these Regulations are the forms referred to in regulations 5, 12 to 16, 19, 22 and 24, failing which they are prescribed for the purposes of the provisions of the 1985 Act referred to in the form.

(2) A form may differ from the form set out in Schedule 1 if it is of substantially the same effect or contains such variation as the circumstances may require.

(**a**) 1985 c.66. Sections 1, 1A, 1B, 1C and 1D were substituted for section 1 by the Bankruptcy (Scotland) Act 1993 (c.6) ("the 1993 Act"), section 1. Section 1A(1)(b) was amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) ("the 2007 Act"), schedule 6, the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11) ("the 2014 Act"), section 22 and schedule 3, paragraph 3 and by S.I. 1999/1820. Section 1A(5) was inserted by the 2014 Act, section 22. Section 2(8) was inserted by the 2014 Act, section 9. Section 5(2ZA) was inserted by the 2014 Act, section 5. Section 5(2D) was inserted by the 2007 Act, section 26. Section 5(6A) was substituted by the 2007 Act, schedule 1, paragraph 4 and is applied for the purposes of section 6 by section 6(8) which was amended by the 2007 Act, section 14 and the 2014 Act, schedule 3, paragraph 6. Section 7(1) was amended by the Criminal Justice (Scotland) Act 1987 (c.41), section 45, the Criminal Justice Act 1988 (c.33), Schedule 15, paragraph 108, the Drug Trafficking Act 1994 (c.37), Schedule 1, paragraph 10 and Schedule 3, the Proceeds of Crime Act 2002 (c.29), Schedule 11, paragraph 15, the 2007 Act, schedule 6, the 2014 Act, schedule 3, paragraph 7 and by S.I. 2003/2109 and S.S.I. 2011/141. Section 11(1) was amended by the 2007 Act, schedule 1, paragraph 9. Section 19 was substituted by the 1993 Act, Schedule 1, paragraph 7 and section 19(2) was amended by the 2007 Act, schedule 1, paragraph 17 and schedule 6. Section 22(2) was amended by the 2007 Act, schedule 6. Section 22(2)(a) is applied, with modifications, for the purposes of section 48 by section 48(3) which was amended by the 2007 Act, schedule 6. Section 22(6) is applied, with modifications, for the purposes of section 48 by section 48(7) which was amended by the 2007 Act, schedule 6 and the 2014 Act, schedule 3, paragraph 24. Section 23(1) was amended by the 2007 Act, schedule 6. Section 32(9A) was inserted by the 2007 Act, section 19. Section 40(3B) was inserted by the Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6) ("the 2010 Act"), section 11. Section 43A was inserted by the 2007 Act, section 30 and was amended by the 2014 Act, schedule 3, paragraph 22. Section 43B was inserted by the 2014 Act, section 2. Section 45(3) was amended by the 2007 Act, schedule 6 and the 2014 Act, section 24. Section 49(3) was amended by the 2007 Act, schedule 6. Sections 54 and 54A were substituted for section 54 by the 2014 Act, section 17. Section 54C was inserted by the 2014 Act, section 7. Sections 54D and 54E were inserted by the 2014 Act, section 19. Section 69 was amended by the 2007 Act, schedule 1, paragraph 58 and schedule 6. Section 71C was inserted by the 2014 Act, section 36. Section 72(1A) was inserted by the 2014 Act, schedule 3, paragraph 34(a). The definition of "statement of assets and liabilities" was inserted into section 73(1) by the 1993 Act, Schedule 1, paragraph 29. Section 73(1) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State so far as exercisable within devolved competence were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(**b**) 2000 c.7. Section 15 of the Electronic Communication Act 2000 contains a definition of "electronic communication".

(3) Any signature required as shown on a form set out in Schedule 1 must be provided either by—

(a) a manuscript signature; or

(b) an image of a manuscript signature sent electronically.

Register of Insolvencies

Register of Insolvencies

4.—(1) The register of insolvencies maintained by the Accountant in Bankruptcy under section 1A(1)(b) of the 1985 Act(**a**) is to be in the form specified in Schedule 2 to these Regulations.

(2) Information need not be included in the register of insolvencies where the Accountant in Bankruptcy is of the opinion that inclusion of the information would be likely to put any person at risk of violence or otherwise jeopardise the safety or welfare of any person.

Sequestration Process

Debtor applications

5.—(1) A debtor application to the Accountant in Bankruptcy—

(a) in the case of an application by a living debtor, or by the executor (or a person entitled to be appointed executor) on the estate of a deceased debtor, must be in Form 14;

(b) in the case of an application by an entity referred to in section 6(1) of the 1985 Act, must be in Form 15 accompanied by a statement of assets and liabilities in Form 16.

(2) Where in a debtor application the debtor nominates an insolvency practitioner to act as the trustee in the sequestration and the insolvency practitioner agrees to act, the application must be accompanied by the insolvency practitioner's written undertaking to act as the trustee in Form 17.

(3) The Accountant in Bankruptcy or Depute Accountant in Bankruptcy must daily sign a Schedule in Form 18 listing those debtors whose estates have been sequestrated that day, and must enter the Schedule into the register of insolvencies.

(4) The Accountant in Bankruptcy must notify in writing debtors in respect of whom an award of sequestration has been made without delay after the award of sequestration.

(5) Where the Accountant in Bankruptcy refuses to award sequestration, the Accountant in Bankruptcy or Depute Accountant in Bankruptcy must complete and sign a Form 19 in respect of the debtor and without delay send a copy to the applicant, or applicants, in the debtor application.

(6) Where the Accountant in Bankruptcy awards sequestration the certified notice of the determination to be sent by the Accountant in Bankruptcy to the Keeper of the Registers of Scotland for recording in terms of section 14(1A) of the 1985 Act(**b**) must be in Form 20 and the certification is to be by the Accountant in Bankruptcy, Depute Accountant in Bankruptcy or any other person authorised by the Accountant in Bankruptcy to certify the notice of the determination on behalf of the Accountant in Bankruptcy.

(7) A certified notice containing an electronic signature, in a form to be agreed between the Accountant in Bankruptcy and the Keeper of Registers of Scotland, of a determination referred to in paragraph (6) may be sent by the Accountant in Bankruptcy to the Keeper of the Registers of Scotland electronically(**c**).

(**a**) Sections 1, 1A, 1B, 1C and 1D were substituted for section 1 by the 1993 Act, section 1. Section 1A(1)(b) was amended by the 2007 Act, schedule 6, the 2014 Act, section 22 and schedule 3, paragraph 3 and by S.I. 1999/1820.

(**b**) Section 14(1A) was inserted by the 2007 Act, schedule 1, paragraph 12.

(**c**) This regulation re-enacts, with modifications, regulation 14 of the Bankruptcy (Scotland) Regulations 2008 (S.S.I. 2008/82) ("the 2008 Regulations") as amended by S.S.I. 2010/367.

Sequestration where debtor has few assets ("Minimal Asset Process"): prescribed payments

6.—(1) The payments specified in paragraph (2) are prescribed for the purposes of section 5(2ZA)(a)(ii) of the 1985 Act(**a**) (criteria for sequestration where debtor has few assets).

(2) Where the debtor has no other income (than from any of these payments) at the date of making his or her debtor application—

(a) universal credit under Part 1 of the Welfare Reform Act 2012(**b**);

(b) another income-related benefit (as defined in section 191 of the Social Security Administration Act 1992(**c**));

(c) an income-based jobseeker's allowance, as defined by section 1(4) of the Jobseekers Act 1995(**d**);

(d) state pension credit under the State Pension Credit Act 2002(**e**);

(e) child tax credit under the Tax Credits Act 2002(**f**); or

(f) an income-related allowance under Part 1 of the Welfare Reform Act 2007(**g**) (employment and support).

Debt advice and information package

7.—(1) Subject to paragraph (2) the time prescribed for the purposes of section 5(2D) of the 1985 Act(**h**) is not less than 14 days before the presentation of the petition and not more than 12 weeks before the presentation of the petition.

(2) The requirement to provide the debtor with a debt advice and information package in section 5(2D) of the 1985 Act does not apply where it is averred that the address of the debtor is not known(**i**).

Application of the 1985 Act to limited partnerships

8.—(1) The application of the 1985 Act to the sequestration of the estate of a limited partnership is subject to the modifications specified in this regulation.

(2) Any reference in the 1985 Act or in legislation made under that Act (unless the context suggests otherwise) to a partnership (other than in section 6(1)) or to a firm shall be construed as including a reference to a limited partnership.

(3) In the application of section 9 of the 1985 Act(**j**) to limited partnerships—

(a) the Accountant in Bankruptcy has jurisdiction if a limited partnership is registered in Scotland and has a place of business in Scotland; and

(b) the sheriff has jurisdiction if a limited partnership is registered in Scotland and has a place of business within the sheriff's sheriffdom.

(**a**) Section 5(2ZA) was inserted by the 2014 Act, section 5.
(**b**) 2012 c.5.
(**c**) 1992 c.5. This definition, and the relevant provisions are repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c.5) subject to saving and transitional provisions.
(**d**) 1995 c.18, repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c.5), subject to saving and transitional provisions.
(**e**) 2002 c.16.
(**f**) 2002 c.21.
(**g**) 2007 c.5.
(**h**) Section 5(2D) was inserted by the 2007 Act, section 26.
(**i**) This regulation re-enacts regulation 12 of the 2008 Regulations.
(**j**) Section 9 was amended by the 2007 Act, section 14, section 16 and schedule 1, paragraph 7, the 2014 Act, schedule 3, paragraph 8 and by S.I. 2003/2109.

(4) Without prejudice to the provisions of sections 14(1), 15(5) and 17(8) of the 1985 Act(**a**), the sheriff clerk must send a copy of every court order mentioned in those sections to the Registrar of Limited Partnerships in Scotland.

(5) In the case of a debtor application by a limited partnership, the Accountant in Bankruptcy must send a copy of the determination to the Registrar of Limited Partnerships in Scotland(**b**).

Apparent Insolvency/Creditor Debt Threshold

9. The sum prescribed for the purposes of section 7(1)(d) of the 1985 Act(**c**) is £1500(**d**).

Claims in foreign currency

10. A creditor may state the amount of that creditor's claim in a foreign currency for the purposes of section 22(6), or that section as applied by section 48(7), of the 1985 Act(**e**),—

(a) where the claim is constituted by decree or other order made by a court ordering the debtor to pay to the creditor a sum expressed in a foreign currency; or

(b) where the claim is not so constituted, it arises from a contract or bill of exchange in terms of which payment is or may be required to be made by the debtor to the creditor in a foreign currency(**f**).

Conversion of foreign currency claims

11. For the purposes of sections 23(1)(a) and 49(3) of the 1985 Act(**g**), the manner of conversion into Sterling of the amount of a claim stated in foreign currency is to be at the rate of exchange for that currency at the mean of the buying and selling spot rates prevailing at the close of business on the date of sequestration in the London market as published in any national newspaper(**h**).

Trustee resignation application

12. An application under section 28(1) of the 1985 Act(**i**) by a trustee for authority to resign must be in Form 21(**j**).

Abandonment of heritable property by trustee

13.—(1) Where a trustee (other than the Accountant in Bankruptcy) has abandoned to the debtor any heritable property, notice of abandonment for the purposes of section 32(9A) of the 1985 Act(**k**) must be in Form 22.

(2) Where a trustee, being the Accountant in Bankruptcy, abandons any heritable property in the circumstances referred to in paragraph (1), notice of abandonment must be in Form 23.

(**a**) Section 14(1) was amended by the 2007 Act, schedule 1, paragraph 12, the 2014 Act, schedule 3, paragraph 11 and by S.S.I. 2004/468, S.S.I. 2011/141 and S.S.I. 2013/225. Section 15(5) was amended by the 2007 Act, section 16 and by S.S.I. 2011/141. Section 17(8) was amended by the 2007 Act, section 16 and schedule 6 and the 2014 Act, section 26, schedule 3, paragraph 14 and schedule 4.

(**b**) This regulation re-enacts regulation 9 of the 2008 Regulations.

(**c**) Section 7(1) was amended by the Criminal Justice (Scotland) Act 1987 (c.41), section 45, the Criminal Justice Act 1988 (c.33), Schedule 15, paragraph 108, the Drug Trafficking Act 1994 (c.37), Schedule 1, paragraph 10 and Schedule 3, the Proceeds of Crime Act 2002 (c.29), Schedule 11, paragraph 15, the 2007 Act, schedule 6, the 2014 Act, schedule 3, paragraph 7 and by S.I. 2003/2109 and S.S.I. 2011/141.

(**d**) This regulation re-enacts regulation 13 of the 2008 Regulations.

(**e**) Section 48(7) was amended by the 2007 Act, schedule 6 and the 2014 Act, schedule 3, paragraph 24.

(**f**) This regulation re-enacts regulation 4 of the 2008 Regulations.

(**g**) Section 23(1) and section 49(3) were amended by the 2007 Act, schedule 6.

(**h**) This regulation re-enacts regulation 5 of the 2008 Regulations.

(**i**) Section 28(1) was amended by the 1993 Act, Schedule 1, paragraph 17 and the 2007 Act, section 9 and schedule 1, paragraph 28.

(**j**) This regulation re-enacts regulation 17 of the 2008 Regulations.

(**k**) Section 32(9A) was inserted by the 2007 Act, section 19.

(3) The certified copy of that notice of abandonment sent under section 32(9B)(**a**) of the 1985 Act may be sent electronically by the Accountant in Bankruptcy to the Keeper of the Registers of Scotland containing an electronic signature in a form to be agreed between the Accountant in Bankruptcy and the Keeper of Registers of Scotland.

(4) The Accountant in Bankruptcy, Depute Accountant in Bankruptcy or any other person authorised by the Accountant in Bankruptcy must certify that copy on behalf of the Accountant in Bankruptcy(**b**).

Debtor contribution orders

14.—(1) A debtor contribution order under section 32A(1)(a) of the 1985 Act(**c**) must be in Form 24.

(2) A debtor contribution order under section 32A(1)(b) of the 1985 Act must be in Form 25.

Notice by trustee of proceedings to obtain authority in relation to debtor's family home

15. A notice by a trustee, or by a trustee acting under a trust deed, for the purposes of section 40(3A) of the 1985 Act(**d**) must be in Form 26(**e**).

Debtor's requirement to give account of state of affairs

16. A debtor's account of that debtor's current state of affairs for the purposes of section 43A(2) of the 1985 Act(**f**) must be in Form 27(**g**).

Financial education

17. The course of financial education prescribed for the purposes of section 43B(1) of the 1985 Act(**h**) is—

(a) the Scottish Financial Education Module learning materials divided into sections and published under that title by Money Advice Scotland(**i**); or

(b) all of the sections of that Module except for any section where the debtor's circumstances indicate the debtor does not require financial education on the topic of that section, in relation to any of the following topics—

(i) budgeting and financial planning;

(ii) saving;

(iii) borrowing;

(iv) insurance;

(v) tax;

(vi) financial life stages (financial considerations in relation to renting or buying a home, having a baby and loss of employment);

(vii) welfare benefits.

(**a**) Section 32(9B) was inserted by the 2014 Act, section 19.
(**b**) This regulation re-enacts regulation 19 of the 2008 Regulations.
(**c**) Section 32A was inserted by the 2014 Act, section 4.
(**d**) Section 40(3A) was inserted by the 2010 Act, section 11 and the 2014 Act, section 49.
(**e**) This regulation re-enacts regulation 19A of the 2008 Regulations. Regulation 19A of the 2008 Regulations was inserted by S.S.I. 2010/367.
(**f**) Section 43A was inserted by the 2007 Act, section 30 and was amended by the 2014 Act, Schedule 3, paragraph 22.
(**g**) This regulation re-enacts regulation 20 of the 2008 Regulations.
(**h**) Section 43B was inserted by the 2014 Act, section 2.
(**i**) Money Advice Scotland is a company registered in Scotland with registered number SC137717, registered charity in Scotland registration number SC005663. The Scottish Financial Education Module is available at http://www.moneyadvicescotland.org.uk/.

Interest on claims in sequestration

18. The prescribed rate of interest for the purposes of section 51(7)(a) of the 1985 Act (interest on preferred debts and ordinary debts between the date of sequestration and the date of payment of the debt) is 8 per cent per annum(**a**).

Certificate of deferral

19. A certificate deferring indefinitely the discharge of the debtor under section 54D(4)(b) or (6)(b)(**b**) must be in Form 28.

Premium of bond of caution

20. Any premium (or a proportionate part of any premium) of any bond of caution or other security required to be given by an insolvency practitioner in respect of the practitioner's actings as interim trustee or trustee in any sequestration in which the practitioner is elected or appointed may be taken into account as part of that practitioner's outlays in that sequestration(**c**).

Preference for remuneration of employees, etc.

21. The prescribed amount for the purposes of paragraphs 5(1) and 6 of Schedule 3 to the 1985 Act (the maximum amount which can be claimed as a preferred debt by an employee by way of remuneration or by a person under the Reserve Forces (Safeguard of Employment) Act 1985(**d**)) is £800(**e**).

Moratorium on diligence

Moratorium on diligence: notice of intention to apply

22.—(1) A notice given by a person for the purposes of section 4A(1) of the 1985 Act(**f**) (notice of intention to apply: debtor application etc.) must be in Form 29.

(2) A notice given by a person for the purposes of section 4B(1) of the 1985 Act(**g**) (notice of intention to apply: sequestration of estate under section 6) must be in Form 30.

Revocations and sequestration before 1st April 2015

Revocations

23. The following provisions are revoked, subject to regulation 24—

(a) regulations 3 to 7 and 9 to 22 of, and the Schedule to, the Bankruptcy (Scotland) Regulations 2008(**h**);

(b) the Bankruptcy (Scotland) Amendment Regulations 2008(**i**); and

(c) regulation 3 of, and Schedules 1 and 2 to, the Bankruptcy (Scotland) Amendment Regulations 2010(**j**).

(**a**) This regulation re-enacts regulation 6 of the 2008 Regulations.
(**b**) Section 54D was inserted by the 2014 Act, section 19.
(**c**) This regulation re-enacts regulation 7 of the 2008 Regulations.
(**d**) 1985 c.17.
(**e**) This regulation re-enacts regulation 10 of the 2008 Regulations.
(**f**) Section 4A was inserted by the 2014 Act, section 8.
(**g**) Section 4B was inserted by the 2014 Act, section 8.
(**h**) S.S.I. 2008/82 as amended by S.S.I. 2008/334 and S.S.I. 2010/367.
(**i**) S.S.I. 2008/334.
(**j**) S.S.I. 2010/367.

Sequestration before 1st April 2015

24.—(1) Except as mentioned in paragraph (2)—

(a) these Regulations have no effect as regards any sequestration in respect of which—

(i) the petition is presented before 1st April 2015; or

(ii) a debtor application was made before that date; and

(b) the Regulations revoked by regulation 23, as in force immediately before 1st April 2015, continue to apply and have effect in relation to any such sequestration.

(2) Paragraph (1) does not apply to—

(a) Form 6(**a**);

(b) regulation 4 of, and Schedule 2 to, these Regulations.

(3) Notwithstanding paragraph (2)(b), no requirement for the register of insolvencies to contain particulars is to require the particulars of any event which occurred before 1st April 2015 to be contained in the register.

FERGUS EWING
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
20th August 2014

(**a**) Form 6 (Notice by Trustee: Public Examination of the Debtor or a Relevant person) is the form prescribed for the purpose of section 45(3)(a) of the 1985 Act. Section 45 of the 1985 Act was amended by the 2007 Act, schedule 6 and the 2014 Act, section 24(2).

SCHEDULE 1

Regulation 3

FORMS

LIST OF FORMS TO BE USED

Form	*Purpose*	*Relevant provision of the Regulations*
1	Statement of Undertakings	Regulation 3
2	Statutory Demand for Payment of Debt	Regulation 3
3	Oath By Creditor	Regulation 3
4	Statement of Assets and Liabilities Petition by creditor or trustee under a trust deed	Regulation 3
5	Statement of Claim by Creditor	Regulation 3
6	Notice by Trustee: Public Examination of the Debtor or a Relevant Person	Regulation 3
7	Debtor Certificate of Discharge (where The Accountant in Bankruptcy is not the trustee)	Regulation 3
8	Debtor Certificate of Discharge (where The Accountant in Bankruptcy is not the trustee)	Regulation 3
9	Debtor Certificate of Discharge (debtor to whom section 5(2ZA) applies)	Regulation 3
10	Deferral Notice	Regulation 3
11	Application for Deferral	Regulation 3
12	Trustee Application for Authority to Resign Office: debtor not traced	Regulation 3
13	Notice granting Trustee Authority to Resign Office	Regulation 3
14	Debtor Application	Regulation 5
15	Debtor Application (Trust, Partnership etc.)	Regulation 5
16	Statement of Assets and Liabilities (Trusts, Partnerships etc.)	Regulation 5
17	Form of Undertaking to act as Trustee in Sequestration on the Application of a Debtor	Regulation 5
18	Form of Schedule of Award of Sequestration on Application by Debtor or Executor	Regulation 5
19	Form of Refusal of Award of	Regulation 5

Form	*Purpose*	*Relevant provision of the Regulations*
	Sequestration	
20	Notice of Award of Sequestration to the Keeper of the Registers of Scotland	Regulation 5
21	Trustee Application for Authority to Resign Office as Trustee in Sequestration	Regulation 12
22	Notice of Abandonment of Heritable Property by Trustee in Sequestration where the Accountant in Bankruptcy is not the Trustee	Regulation 13
23	Notice of Abandonment of Heritable Property where the Accountant in Bankruptcy is the Trustee	Regulation 13
24	Debtor Contribution Order (Debtor Application)	Regulation 14
25	Debtor Contribution Order (Petition for Sequestration)	Regulation 14
26	Notice by Trustee of Proceedings to Obtain Authority in Relation to Debtor's Family Home	Regulation 15
27	Debtor's Account of Current State of Affairs	Regulation 16
28	Certificate of Deferral of Discharge	Regulation 19
29	Moratorium – Notice of Intention to Apply	Regulation 22
30	Moratorium – Notice of Intention to Apply (Trust, Partnership, etc.)	Regulation 22

Form 1

Statement of Undertakings

Bankruptcy (Scotland) Act 1985 (as amended)
Section 2(8)

I confirm that:

1. I have made full disclosure of all my assets, liabilities and income as at the date of bankruptcy in the Form 4 (Statement of Assets & Liabilities).

2. I will notify my trustee if I inherit, win or otherwise acquire any further assets during the period of 4 years after the date of bankruptcy.

3. I will immediately inform my trustee of any change of address or change in my financial circumstances during the period of 4 years after the date of bankruptcy.

4. I understand that I have a legal obligation to co-operate with my trustee and to provide any financial information or documents which may be required.

5. I understand that until I am discharged I may not, either alone or jointly with another person, obtain credit (which includes where goods are hired to me under a hire purchase agreement or agreed to be sold to me under a conditional sale agreement) either:

   (a) of £2000 or more; or
   (b) of any amount, where, at the time of obtaining credit, I have debts amounting to £1000 or more

   without informing the person from whom I obtain it of my bankruptcy.

6. I understand that, until I am discharged I am subject to certain restrictions on the appointments I may take up or offices I may hold, including that I may not be a member of parliament or a justice of the peace.

7. I understand that until I am discharged I may not act as a director of a limited company or be involved directly or indirectly in the promotion, formation or management of a limited company without the leave of the court.

8. I understand that after 12 months from the date on which the sheriff awarded my bankruptcy the Accountant in Bankruptcy may discharge me and my discharge may be dependent on my compliance with this statement of undertakings.

9. I understand that I may be required by my trustee to undergo financial education and that my discharge may be dependent on completion of this financial education.

10. I understand that any assets which vested in my trustee at the date of bankruptcy, and which have not been sold, realised or ingathered by my trustee, will continue to vest in my trustee notwithstanding my discharge.

11. I understand that any assets acquired by me during 4 years after the date of bankruptcy and which would have vested in my trustee if they had been part of my estate at that date will vest in my trustee and any such assets which have not been sold, realised or ingathered by my trustee, will continue to vest in my trustee notwithstanding my discharge.

12. I understand that my circumstances will be assessed for the purpose of a debtor contribution order and that my discharge may be dependent on compliance with that order.

13. I understand that my on-going liabilities, including council tax, utility payments, tax and national insurance contributions are not included in the sequestration and that I have a duty to pay them.

I can confirm that I understand and agree to comply with the undertakings 1 – 13.

Signed	_____	Witness signature	_____
Print name	_____	Print name	_____
Date	_____	Date	_____

Notes

References in this Statement of Undertakings to:

- "the date of bankruptcy" is to -

(i) the date on which the Sheriff granted warrant to require you to appear before the sheriff to decide whether you should be made bankrupt; or

(ii) - where more than one such warrant was granted the date on which the first such warrant was granted.

Form 2

Statutory Demand for Payment of Debt

Bankruptcy (Scotland) Act 1985 (as amended)
Section 7(1)(d)

Warning to person Receiving Demand	**Please do not ignore this form**
If you do nothing in response to this demand, you could be made bankrupt and your property and goods taken away from you. Please read **carefully** this Demand and Notes for Debtors. <u>Notes for Creditors</u> This form must be served personally on the debtor by a sheriff officer or messenger-at-arms. An additional copy of the Demand should also be given to the debtor at the same time.	If you are in any doubt about what to do, you should seek advice **immediately** from a solicitor, insolvency practitioner, money adviser or a Citizens Advice Bureau. **The Demand**
Insert name and address of debtor	To _____ _____ _____ _____
Insert name and address of creditor	From _____ _____ _____ _____
(a) Insert name and address of person completing the demand * Delete if creditor is completing demand (b) Insert name of creditor	1. (a) I,_____ _____ _____ *being a person authorised to act on behalf of (b) _____ (the creditor)
(c) Insert name of debtor * Delete as appropriate	claim that as at the date of this Demand (c) you, _____ owe me/the creditor* the sum of
(d) Insert amount of debt(s) claimed. The total of the debt(s) must not be less than £1,500.	(d) £ _____ (the sum demanded)

(e) Describe the matters which led to the debt(s). If more space is needed please use a separate piece of paper.	2. The sum demanded is in respect of (e) _____ _____
(f) Insert the reasons why it is claimed that the debt(s) forming the subject of the Demand are liquid. A debt is liquid where it is for a certain settled amount and is immediately payable to the debtor. There must also be clear evidence of the existence of the debt, for example, a written admission by the debtor or a document which establishes the debt (such as a court decree or contract).	3. The sum demanded is immediately payable and consists of a liquid debt or debts in that (f) _____ _____ _____
* Delete whichever does not apply	4. If you believe —that you do not owe me/the creditor* the sum demanded or any part of it, or —that you do not have to pay the sum demanded or any part of it immediately to me/the creditor*
* Delete whichever does not apply	you must **IMMEDIATELY** fill in the **DENIAL SLIP** at the end of this form (or a copy of it) and post it, or a letter to the same effect to the creditor by **RECORDED DELIVERY POST** so as to arrive within 3 weeks after the date of service of this Demand on you (this date is shown in the Docquet of Service below).
	5. If, however, you accept
* Delete whichever does not apply	—that you owe me/the creditor* the sum demanded and
* Delete whichever does not apply	—that you have to pay the sum demanded immediately to me/the creditor*
	you must, within the 3 week period mentioned in paragraph 4 above, pay it to me/the creditor* or find security for its payment.
	6. If, within the 3 week period mentioned in paragraph 4 above, you have not taken the steps mentioned in either paragraph 4 or 5 above, you may be made bankrupt by the court, and your property and goods put into the hands of a trustee for the benefit of all your creditors.
* Delete whichever does not apply	Signed _____ Creditor * / on behalf of creditor Date _____

DOCQUET OF SERVICE	
Note This Docquet of Service should be completed by the messenger-at-arms or sheriff officer and witness at the time of serving the demand upon the debtor. The Docquet of Service in the duplicate demand, which is also to be given to the debtor, should also be completed.	
(a) Insert name and address of debtor	To (a) _____ _____ _____ _____
(b) Insert date of service. This is the date after which the period of three weeks mentioned in paragraphs 4-6 of the above Demand starts to run.	You are served with the above Demand on (b) _____ by me,
(c) Insert name and address of messenger at-arms or sheriff officer.	(c) _____ _____ _____
	in the presence of the witness who also signs below.
* delete whichever is not applicable	Signed _____ Messenger-at-arms/Sheriff Officer* Date _____ Name and address of witness in BLOCK CAPITALS _____ _____ _____ _____ Signed _____ Witness

DENIAL SLIP	
To be completed in the circumstances described in paragraph 4 of the Demand Form or in the notes for Debtor 2 and 3. *Note* You must fill in and sign this Denial Slip. Tear it off and post it **immediately** to the creditor by **RECORDED DELIVERY POST** to arrive within the three week period mentioned in paragraph 4 of the Demand Form.	
(a) Insert name and address of creditor	To (a) _____ _____ _____ _____ I refer to the demand served on me on
(b) Insert date of service of Demand as shown in the Docquet of Service.	(b) _____ I DENY
* Delete if not applicable Only delete (c) if you accept that you owe the whole of the sum demanded but retain (d) if you are denying that you have to pay that sum immediately.	*(c) that I owe you the sum demanded *(d) that I have to pay you the sum demanded Immediately Signature of Debtor _____ Date _____ Name of Debtor in BLOCK CAPITALS _____ Address of Debtor _____ _____ _____

NOTES FOR DEBTOR - READ CAREFULLY

1. If you do nothing in response to this Demand you could be made bankrupt.

Please do not ignore this form

2. (a) If you deny that you owe the sum demanded or any part of it; or

(b) If you accept that you owe the sum demanded but deny that you have to pay it or any part of it immediately (even though you may admit that you must pay it at some time),

you must fill in the attached Denial Slip (or a copy of it) and post it, or a letter to the same effect, to the creditor by **RECORDED DELIVERY POST**. This should be done **immediately** and before the end of the 3 week period mentioned in paragraph 4 of the form. If you do not do so, you could be made bankrupt.

You should keep a copy of what you send to the creditor and the recorded delivery slip.

3. If however, you accept–

(a) that you owe the sum demanded, and

(b) that you have to pay the sum demanded immediately to the creditor,

you should either pay the sum demanded or find security for such payment. If you cannot do either you should get in touch with the creditor **immediately** and try to agree with him a way of paying off the sum demanded perhaps by paying by instalments.

Even if the creditor agrees that the sum demanded or any part of it need not be paid immediately to him, you should still send the **Denial Slip** as in Note 2 above, to protect you from the possibility of being bankrupt.

4. If you are in any doubt as to–

(a) whether you owe the sum demanded or any part of it; or
(b) whether the sum demanded or any part of it must be paid immediately; or
(c) whether any details mentioned in connection with the debt(s) in paragraph 2 and 3 of the form are correct; or
(d) about what you should do with this form or its implications,

you should seek advice **immediately** from a solicitor, insolvency practitioner, money adviser or from a Citizens Advice Bureau.

Warning to person receiving Demand

Please do not ignore this form

If you do nothing in response to this demand, you could be made bankrupt and your property and goods taken away from you. Please read **carefully** this Demand and Notes for Debtors. If you are in any doubt about what to do, you should seek advice **immediately** from a solicitor, insolvency practitioner, money adviser or a Citizens Advice Bureau.

Form 3

OATH BY CREDITOR

Bankruptcy (Scotland) Act 1985 (as amended)
Section 11(1)

This oath must be sworn by the creditor or a person authorised to act on his behalf before a person entitled to administer the oath, e.g. in the U.K. a Notary Public (usually a solicitor) or a Justice of the Peace.

In the case of an oath administered outside the U.K. see section 11(2)(b) of the Act.

(a) Insert name and address of creditor

(b) If applicable, insert name and address of authorised person acting on behalf of Creditor.

**delete as appropriate*

I do solemnly and sincerely swear/affirm* that to the best of my knowledge and belief

(c) Insert name and address of debtor

**delete as appropriate*

owes me/the creditor* the sum of

(d) Insert total amount of the debt or debts.

£_____ which is now payable and that the particulars of the debt or debts making up that sum, which are set out overleaf, are correct.

**delete as appropriate*

Sworn/affirmed* at

(e) Insert name, place and date oath is sworn.

(f) Name and address and designation of person administering the oath or affirmation.

**delete as appropriate*

Signed _____ creditor/on behalf of creditor*

Signature of person administering the oath/affirmation* _____

Form 3

OATH BY CREDITOR

PARTICULARS OF EACH DEBT

Note – Please provide details of each debt separately.

(1) Amount of debt

Insert total amount of the debt which is now payable, showing separately the amount of principal and interest claimed. Interest may be claimed only when the creditor is entitled to it.
Do not deduct the value of any security held at this stage (see note 4).

(1) Amount of debt

(2) Details of debt

Specify what the debt is in respect of, the date or dates when it was incurred and when it became payable.

(2) Details of debt

(3) Evidence of debt

Attach any evidence of the debt, such as an extract decree (or copy of it certified by the Clerk of Court) or any voucher or other supporting evidence of the debt.

(3) Evidence of debt

(4) Security for debt

Specify the nature and value of any security held in respect of the debt or debts.
For the purpose of the application for bankruptcy, the value of any such security need not be deducted from the amount of the debt claimed.

Security is defined for the purpose of the Bankruptcy (Scotland) Act 1985 as meaning "any security, heritable or moveable, or any right of lien, retention or preference".

(4) Security for debt

Form 4

Statement of Assets and Liabilities
Petition by creditor or trustee under a trust deed

Bankruptcy (Scotland) Act 1985 (as amended)
Section 19(2)

WARNING TO THE DEBTOR

It is a criminal offence under section 19(3) of the Bankruptcy (Scotland) Act 1985 (as amended) for you, unless you can show that you had a reasonable excuse, to:

(A) Fail to disclose any material fact in this statement.
(B) Make a material misstatement in this statement.

On summary conviction you may be liable to a fine of up to £5,000 or to imprisonment for a maximum period of three months or to both. If you deliberately do not disclose all relevant information or if you deliberately make a false statement when completing this form, you may become subject to bankruptcy restrictions.

CERTIFICATION

	Insert name
	Address
	Town
	County
	Postcode

I have stated in this statement details of all my assets, liabilities, income and expenditure as at the date of bankruptcy* on _____

**"*the date of bankruptcy" is-*
(i) the date on which the sheriff granted warrant to require you to appear before the sheriff to decide whether you should be made bankrupt; or
(ii) where more than one such warrant was granted, the date on which the first such warrant was granted.

I certify that the information I have supplied in Form 4 is true, complete and accurate to the best of my knowledge and belief.

I have read and understood the warning above.

Signature:_____ Date:_____

Q1-3. In column 1 enter all earned income, all social security benefits, and all other income. For example, Income Support Income-based Jobseekers' Allowance, Housing Benefit, Working Tax Credits and Council Tax Benefit. If the income you receive is not detailed, please provide details on a separate page.

In column 2, enter the frequency that your income is received, for example, weekly/fortnightly/monthly/annually.

In column 3 enter the amount you receive

In column 4 enter the name and address of your employer, benefits office or other source of income as applicable. Continue on a separate page if required.

Q4. Enter details of any bank accounts in your name, including joint accounts and accounts held in trust. Continue on a separate page if required.

1. Average net earnings:	Frequency	Amount (£)	Name and address of employer
2. Social Security benefits	Frequency	Amount (£)	Address of benefits office
3. Any other income	Frequency	Amount (£)	Address of other source of income:
Pension	_____	_____	
Annuity	_____	_____	
Grants, Rents, Trusts etc	_____	_____	

Income

Bank Accounts

4. Give details of any sums held by you in Bank of Building Society accounts, including the account number and the branch where the account is held.

Name of bank or building society	Branch	Account number	Sort code	Balance

Q5. Complete this section if you have any investments. These may be ISAs, shares, premium or other bonds, savings certificates. Details of any endowment policies or life assurance policies should also be entered.

Q6. List any non-essential possessions owned by you or in the course of hire purchase or a credit agreement. **Enter only non-essential items.**

Examples of essential items are the following items if used in the debtor's family home –

Examples of essential items are:

- Beds, bedding, household linen and curtains
- Food, cooking equipment and kitchen utensils
- Refrigerators, washing machines and microwave ovens
- Chairs, settees, tables and other furniture
- Lights, fittings and heating appliances
- Floor coverings
- Articles used for cleaning, drying, mending, or pressing clothes
- Articles used for cleaning the house
- Articles used for safety in the house
- Tools used for maintenance or repair of the house and household articles
- Computers and accessory equipment
- Radios, telephones and televisions.

Do not include any of the above items in your list.

Q7. List all the land and buildings in which you have an interest as an owner or tenant.

Part A

Column 1, write the addresses of any property you own, either wholly or jointly. If you are a joint or part owner, specify the share you own, for example, half, third, etc.

Column 2, write the property type which includes land, timeshares, or any other property, including business or agricultural property**.**

Column 3, write the name and address of any joint owners.

Column 4, say whether there is a mortgage or secured loan on the property. Details of the securities should be listed at question 9.

Part B

In columns 1 to 4, write the address, type of property, name(s) of the joint owner(s) and the name and address of the property owner.

Q5. Complete this section if you have any investments. These may be ISAs, shares, premium or other bonds, savings certificates. Details of any endowment policies or life assurance policies should also be entered.

Q6. List any non-essential possessions owned by you or in the course of hire purchase or a credit agreement. **Enter only non-essential items.**

Examples of essential items are the following items if used in the debtor's family home –

Examples of essential items are:

- Beds, bedding, household linen and curtains
- Food, cooking equipment and kitchen utensils
- Refrigerators, washing machines and microwave ovens
- Chairs, settees, tables and other furniture
- Lights, fittings and heating appliances
- Floor coverings
- Articles used for cleaning, drying, mending, or pressing clothes
- Articles used for cleaning the house
- Articles used for safety in the house
- Tools used for maintenance or repair of the house and household articles
- Computers and accessory equipment
- Radios, telephones and televisions.

Do not include any of the above items in your list.

Q7. List all the land and buildings in which you have an interest as an owner or tenant.

Part A

Column 1, write the addresses of any property you own, either wholly or jointly. If you are a joint or part owner, specify the share you own, for example, half, third, etc.

Column 2, write the property type which includes land, timeshares, or any other property, including business or agricultural property**.**

Column 3, write the name and address of any joint owners.

Column 4, say whether there is a mortgage or secured loan on the property. Details of the securities should be listed at question 9.

Part B

In columns 1 to 4, write the address, type of property, name(s) of the joint owner(s) and the name and address of the property owner.

5. Investments

Type of investment	Name of company	Reference number

6. Non-essential possessions

Description	Value(£)	Subject to hire purchase / credit agreement Yes / No

7. Property

A. Address Wholly or jointly owned	Type of property	Name of joint owner(s)	Mortgage or secured loan Yes / No
B. Address if property rented	Type of property	Name of joint tenant	Owner of property

(Continue on a separate sheet if required)

Q8. Complete a list of any unsecured debts, for example loans, credit cards, catalogue accounts, unpaid council tax, overdrafts, rent, household bills and any debts due to individuals.

You must include all the unsecured debts that you owe. If your bankruptcy is awarded, your trustee will write to each of your creditors (creditors are people you owe money to).

Note: You may be asked to provide copies of your letters and bills from your creditors.

8. Unsecured debts (specify unsecured debts due by you**)**

Type of debt	Name and address of creditor	Account no / ref no	Amount owed
Total			£

(Continue on a separate sheet if required)

Q9. Complete if you have a mortgage and/or any debts secured against your home. Provide information regarding the amount currently owed to the secured lender and the date the mortgage or loan was obtained.

9. Secured debts

Name and address of mortgage company / lender	Mortgage account no Lender reference no	Amount owed (£)	Date loan was obtained
Total amount of secured debts		£	

Form 5

Statement of Claim by Creditor

Bankruptcy (Scotland) Act 1985 (as amended)
Sections 22(2) and 48

WARNING
It is a criminal offence

- for a creditor to produce a statement of claim, account, voucher or other evidence which is false, unless he shows that he neither knew nor had reason to believe that it was false; or
- for a debtor who knows or becomes aware that a creditor has made a false statement to fail to report it to their trustee within one month of acquiring such knowledge.

On conviction either creditor or debtor may be liable to a fine and/or imprisonment.

Notes
(a) Insert name and address of debtor

Sequestration of the estate of

*(a)*_____

(b) Insert name and address of creditor

*(b)*_____

(c) Insert name and address, if applicable, of authorised person acting on behalf of the creditor

*(c)*_____

(d) Insert details of any other proceedings in which a claim has been or is being submitted in respect of the debt or part of the debt and the amount claimed

*(d)*_____

(e) Insert total amount claimed in respect of all the debts, the particulars of which are set the *out overleaf.*

I submit a claim of *(e)* £_____
In the above sequestration and certify that particulars of the debt or debts making up that claim, which are set out overleaf, are true, complete and accurate, to the best of my knowledge and belief.

Signed _____
Creditor*/person acting on behalf of creditor

Date_____

PARTICULARS OF EACH DEBT	
Notes A separate set of particulars should be made out in respect of each debt	
1. Describe briefly the debt, giving details of its nature, the date when it was incurred and when payment became due. Attach any documentary evidence of the debt, if available.	1. **Particulars of debt**
2 Insert total amount of the debt, showing separately the amount of principal and any interest which is due on the debt as at the date of sequestration. Interest may only be claimed if the creditor is entitled to it. Show separately the VAT on the debt and indicate whether the VAT is being claimed back from HM Revenue and Customs.	2. **Amount of debt**
3. Specify and give details of the nature of any security held in respect of the debt including– (a) the subjects covered and the date when it was given; (b) the value of the security. Note: The trustee may, at any time after 12 weeks from the date of sequestration, require a creditor to discharge a security or to convey or assign it to him on payment of the value specified by the creditor. (c) whether the creditor is surrendering or undertakes to surrender the security. Security is defined for the purposes of the Bankruptcy (Scotland) Act 1985 as meaning "any security, heritable or moveable, or any right of lien, retention or preference".	3. **Security for debt**
4. In the case of a creditor who is a Member State liquidator, specify and give details of underlying claims in respect of which he is claiming as creditor. Attach documentary evidence of debts.	4. **Underlying claims**
5. In calculating the total amount of his claim, a secured creditor must deduct the value of any security as estimated by him, unless he surrenders it (see note 3(c) above).	5. **Total amount of the debt**

Form 6

Notice by Trustee: Public Examination of the Debtor or a Relevant Person

Bankruptcy (Scotland) Act 1985 (as amended)
Section 45(3)(a)

Bankruptcy of the estate of

	Insert debtor's name

The sheriff at

	Insert name of sheriff court

has ordered that a public examination of

	Insert debtor's name
	Insert debtor's address
	Town
	Postcode

will take place at

	Insert address of place of examination

on

	Insert day, date and time of examination

Signature of trustee _____ Date _____

(bankruptcy ref)



Form 7

Debtor Certificate of Discharge
(where The Accountant in Bankruptcy is not the trustee)

Bankruptcy (Scotland) Act 1985 (as amended)
Section 54(2)

I certify that (debtor name and address)

whose estate was sequestrated on (dd/mm/yyyy), is discharged under section 54(2) of the Bankruptcy (Scotland) Act 1985 (as amended) on (dd/mm/yyyy).

Issued by The Accountant in Bankruptcy
(dd/mm/yyyy)

(bankruptcy ref)

Debtor Certificate of Discharge
(where The Accountant in Bankruptcy is not the trustee)
Bankruptcy (Scotland) Act 1985 (as amended)
Section 54(2)

Notes

The effect of this discharge is that, subject to the exceptions noted below, the debtor shall be discharged within the United Kingdom of all debts and obligations contracted by him, or for which he was liable, at the date of sequestration.

(1) Exceptions in section 55(2) of the Bankruptcy (Scotland) Act 1985

- any liability to pay a fine or other penalty due to the Crown
- any liability under a confiscation order made under Part 2, 3 or 4 of the Proceeds of Crime Act 2002
- any liability to pay a fine imposed in a justice of the peace court (or a district court)
- any liability under a compensation order within the meaning of section 249 of the Criminal Procedure (Scotland) Act 1995
- any liability to forfeiture of a sum of money deposited in court under section 24(6) of the Criminal procedure (Scotland) Act 1995
- any liability incurred by reason of fraud or breach of trust
- any obligation to pay aliment or any sum of an alimentary nature
- any periodical allowance payable on divorce
- child support maintenance
- any obligation to execute a document required by the trustee.

(2) The discharge of the debtor does not affect any right of a secured creditor to enforce a security.

(3) The discharge of the debtor does not affect liability to repay a student loan.

(bankruptcy ref)



Form 8

Debtor Certificate of Discharge
(where The Accountant in Bankruptcy is the trustee)

Bankruptcy (Scotland) Act 1985 (as amended)
Section 54A(2)

I certify that (debtor name and address)

whose estate was sequestrated on (dd/mm/yyyy), is discharged under section 54A(2) of the Bankruptcy (Scotland) Act 1985 (as amended) on (dd/mm/yyyy).

Issued by The Accountant in Bankruptcy
(dd/mm/yyyy)

(bankruptcy ref)

Debtor Certificate of Discharge
(where The Accountant in Bankruptcy is the trustee)
Bankruptcy (Scotland) Act 1985 (as amended)
Section 54A(2)

Notes

The effect of this discharge is that, subject to the exceptions noted below, the debtor shall be discharged within the United Kingdom of all debts and obligations contracted by him, or for which he was liable, at the date of sequestration.

(1) Exceptions in section 55(2) of the Bankruptcy (Scotland) Act 1985

- any liability to pay a fine or other penalty due to the Crown
- any liability under a confiscation order made under Part 2, 3 or 4 of the Proceeds of Crime Act 2002
- any liability to pay a fine imposed in a justice of the peace court (or a district court)
- any liability under a compensation order within the meaning of section 249 of the Criminal Procedure (Scotland) Act 1995
- any liability to forfeiture of a sum of money deposited in court under section 24(6) of the Criminal procedure (Scotland) Act 1995
- any liability incurred by reason of fraud or breach of trust
- any obligation to pay aliment or any sum of an alimentary nature
- any periodical allowance payable on divorce
- child support maintenance
- any obligation to execute a document required by the trustee.

(2) The discharge of the debtor does not affect any right of a secured creditor to enforce a security.

(3) The discharge of the debtor does not affect liability to repay a student loan.

(bankruptcy ref)



Form 9

Debtor Certificate of Discharge
(debtor to whom section 5(2ZA) applies)

Bankruptcy (Scotland) Act 1985 (as amended)
Section 54C(2)

I certify that (debtor name and address)

whose estate was sequestrated on (dd/mm/yyyy), is discharged under section 54C(1) of the Bankruptcy (Scotland) Act 1985 (as amended) on (dd/mm/yyyy).

Issued by The Accountant in Bankruptcy
(dd/mm/yyyy)

(bankruptcy ref)

Debtor Certificate of Discharge
(debtor to whom section 5(2ZA) applies)
Bankruptcy (Scotland) Act 1985 (as amended)
Section 54C(2)

Notes

The effect of this discharge is that, subject to the exceptions noted below, the debtor shall be discharged within the United Kingdom of all debts and obligations contracted by him, or for which he was liable, at the date of sequestration.

(1) Exceptions in section 55(2) of the Bankruptcy (Scotland) Act 1985

- any liability to pay a fine or other penalty due to the Crown
- any liability under a confiscation order made under Part 2, 3 or 4 of the Proceeds of Crime Act 2002
- any liability to pay a fine imposed in a justice of the peace court (or a district court)
- any liability under a compensation order within the meaning of section 249 of the Criminal Procedure (Scotland) Act 1995
- any liability to forfeiture of a sum of money deposited in court under section 24(6) of the Criminal procedure (Scotland) Act 1995
- any liability incurred by reason of fraud or breach of trust
- any obligation to pay aliment or any sum of an alimentary nature
- any periodical allowance payable on divorce
- child support maintenance
- any obligation to execute a document required by the trustee.

(2) The discharge of the debtor does not affect any right of a secured creditor to enforce a security.

(3) The discharge of the debtor does not affect liability to repay a student loan.

(bankruptcy ref)

Form 10

Deferral Notice

Bankruptcy (Scotland) Act 1985 (as amended)
Section 54D(2)(a)

I,	Insert insolvency practitioner's name
	Insert business address
	Town
	County
	Postcode

was appointed as trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

("the debtor")

by

* the Accountant in Bankruptcy

* the Sheriff at _____ (insert name of Court)

on _____ (insert date of appointment).

I confirm that

(a) having made reasonable enquiries, I am unable to ascertain the whereabouts of the debtor,

and

(b) as a result, I am unable to carry out my functions as trustee in accordance with section 3 of the Bankruptcy (Scotland) Act 1985, (as amended).

.

Signature of trustee _____ Date _____

(bankruptcy ref)

Notes

This deferral notice is sent in pursuance of section 54D(2)(a) of the Bankruptcy (Scotland) Act 1985 (as amended) ("the 1985 Act").

Section 54D of the 1985 Act provides:

54D Deferral of discharge where debtor cannot be traced

(1) Subsection (2) applies where—
(a) the trustee, having made reasonable enquiries, is unable to ascertain the whereabouts of the debtor, and
(b) as a result is unable to carry out the trustee's functions in accordance with section 3.

(2) The trustee must—
(a) notify the debtor by sending to the last known address of the debtor a deferral notice in the prescribed form,
(b) give a deferral notice to every creditor known to the trustee, and
(c) where the trustee is not the Accountant in Bankruptcy, apply in the prescribed form to the Accountant in Bankruptcy for a deferral.

(3) A deferral application under subsection (2)(c) must be made by the trustee—
(a) no earlier than the date which is 8 months after the date on which sequestration is awarded, and
(b) no later than the date which is 10 months after the date on which sequestration is awarded.

(4) After receiving a deferral application, the Accountant in Bankruptcy must—
(a) take into account any representations made by an interested person before the expiry of the period of 14 days beginning with the day on which the application is made, and
(b) if satisfied of the matters mentioned in subsection (5), issue a certificate deferring indefinitely the discharge of the debtor.

(5) The matters are—
(a) that the trustee is unable to ascertain the whereabouts of the debtor, and
(b) it would not be reasonably practicable for the trustee to continue to search for the debtor.

(6) Where the Accountant in Bankruptcy is the trustee and has given a deferral notice in accordance with subsection (2)(b), the Accountant in Bankruptcy must—
(a) take into account any representations made by an interested person before the expiry of the period of 14 days beginning with the day on which the deferral notice is given, and
(b) if satisfied that it would not be reasonably practicable to continue to search for the debtor, issue a certificate deferring indefinitely the discharge of the debtor.

(7) Where a certificate is issued under subsection (4)(b) or (6)(b), the Accountant in Bankruptcy must make an appropriate entry in the register of insolvencies.

(bankruptcy ref)

Form 11

Application for Deferral

Bankruptcy (Scotland) Act 1985 (as amended)
Section 54D(2)(c)

Application

I,	Insert insolvency practitioner's name
	Insert business address
	Town
	County
	Postcode

was appointed as trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

("the debtor")

by

* the Accountant in Bankruptcy

* the Sheriff at _____ (insert name of Court)

on _____ (insert date of appointment).

I apply to the Accountant in Bankruptcy for deferral of the discharge of the debtor.

I confirm;

(i) following reasonable enquiries I am unable to ascertain the debtor's whereabouts;

(ii) as a result, I am unable to carry out my functions as trustee in accordance with section 3 of the Bankruptcy (Scotland) Act 1985 (as amended).

(iii) I have notified the debtor by sending a Form 10 deferral notice to the debtor's last known address; and

(iv) a Form 10 deferral notice has been issued to every known creditor.

I confirm that this application is made

(i) no earlier than the date which is 8 months after the date of bankruptcy award; and

(ii) no later than the date which is 10 months after that date.

Signature of trustee _____ Date _____

* delete as appropriate

(bankruptcy ref)

Form 12

Trustee Application for Authority to Resign Office

Bankruptcy (Scotland) Act 1985 (as amended)
Section 54E(2)

Application

I,	Insert insolvency practitioner's name
	Insert business address
	Town
	County
	Postcode

was appointed as trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

("the debtor")

by

* the Accountant in Bankruptcy

* the Sheriff at _____ (insert name of Court)

on _____ (insert date of appointment).

I apply to the Accountant in Bankruptcy for authority to resign from office as trustee.

Certificate of deferral under section 54D(4)(b) of the Bankruptcy (Scotland) Act 1985 (as amended) was awarded on:
(dd/mm/yyyy)

("the certificate of deferral")

I confirm, under reference to section 54E(4) of the Bankruptcy (Scotland) Act (as amended), that

(i) following award of the certificate of deferral I have not ascertained the debtor's whereabouts and the debtor has not made contact with me and

(ii) that it is not more than 6 months after the date on which the certificate of deferral was awarded.

Signature of trustee _____ Date _____

Creditors
(Please use this section to provide details of all known creditors)

(bankruptcy ref)

Further Information
(please use this section to provide any further information to support your application)

(bankruptcy ref)



Form 13

Notice Granting Trustee Authority to Resign Office

Bankruptcy (Scotland) Act 1985 (as amended)
Section 54E(4)

In terms of section 54E(4) of the Bankruptcy (Scotland) Act 1985 (as amended), I hereby grant;

(trustee name)
(trustee address)

authority to resign office as trustee in the sequestration of
(debtor name and address)

Issued by The Accountant in Bankruptcy
(dd/mm/yyyy)

Form 14
Debtor Application
Bankruptcy (Scotland) Act 1985 (as amended)
Section 5(2)(a) and (3)(a)

Section 1 – Who are you?

I am the debtor applying for my own bankruptcy ☐
(Go straight to section 3)

I am the recognised executor of a deceased debtor's estate or, ☐
I have Power of Attorney with the authority to apply for bankruptcy or,
I am the legal guardian of the debtor with authority to apply
(Please complete your own details below in section 2)

Section 2 – Executor/Legal Guardian/Power of Attorney's Details

2.1	Title (Mr/Mrs/Miss/Ms or other title)	
	Surname	
	First and middle names	
2.2	Date of Birth	
2.3	Home address (house name/number & street)	
	Town	
	County	
	Postcode	
	Contact telephone number	
	Mobile telephone number	
	E-mail address	
	Relationship to the deceased person/debtor	

Section 3 – Qualifying Criteria

Minimal Asset Process

You may be eligible to apply for bankruptcy under MAP. However there are certain criteria that you must meet before being considered eligible.

3.1 I confirm that:

a I have debts (including interest) totalling £1,500 or more but not exceeding £17,000. ☐

b The total value of my non-essential assets is not more than £2000. ☐

c I do not own a single non-essential asset with an individual value of more than £1,000. ☐

d I do not jointly or solely own any property. ☐

e I have not been made bankrupt in Scotland in the last 5 years ☐

f I have not been made bankrupt under MAP in the last 10 years. ☐

g I am not currently subject to a Protected Trust Deed. ☐

h I have been assessed by the Common Financial Tool as requiring to make no debtor's contribution or I have been in receipt of a prescribed payment for a period of at least 6 months ending with the day on which this application is made. ☐

i I have a certificate for sequestration dated no more than 30 days before the date this application is signed and dated by me. ☐

ONLY if you meet **ALL** the criteria above can you apply for MAP bankruptcy with an application fee of £90. If you do not meet all the criteria above please refer to the criteria overleaf for Full Administration bankruptcy.

PLEASE NOTE: If you apply for MAP bankruptcy and are then found not to be eligible, your application will NOT be considered until a further £110 is paid at which point your case will considered for Full Administration bankruptcy.

If you meet the above criteria for MAP bankruptcy then please go direct to section 4

Section 3 (continued) – Qualifying Criteria

Full Administration Bankruptcy (only to be completed if not eligible for MAP)

3.2 I confirm that:

a I have debts (including interest) of £3,000 or more. ☐

b I have not been made bankrupt in Scotland in the past 5 years. ☐

c I am not currently subject to a Protected Trust Deed. ☐

3.3 Do you have a certificate for sequestration signed by an authorised person?

YES ☐ NO ☐

If "YES" is the certificate dated no more than 30 days before the date you complete, sign and date this application?

YES ☐ NO ☐

3.4 Have you ever taken part in a debt payment programme (DPP) under the Debt Arrangement Scheme (DAS)?

YES ☐ NO ☐

If "YES" has the DPP been revoked?

YES ☐ NO ☐

Has any creditor taken further action against you regarding any debts in your DPP?

YES ☐ NO ☐

Section 3 (continued) – Qualifying Criteria

3.5 Have you ever signed a trust deed? YES ☐ NO ☐

If "YES" did your trust deed fail to become protected? YES ☐ NO ☐

If you have ticked "YES" the letter from your trustee must be enclosed with your application.

3.6 Have you been served with a Charge for Payment YES ☐ NO ☐

If "YES" is the debt still unpaid? YES ☐ NO ☐

If "YES" is the Charge for Payment dates at least 15 days prior to you completing, signing and dating this application? YES ☐ NO ☐

If you have ticked "YES" the Charge for Payment must be enclosed with your application.

3.7 Have you been served with a Statutory Demand? YES ☐ NO ☐

If "YES" is the debt still unpaid? YES ☐ NO ☐

If "YES" is the Statutory Demand dated at least 22 days prior to you completing, signing and dating this application? YES ☐ NO ☐

If you have ticked "YES" the Statutory Demand must be enclosed with your application.

IMPORTANT

If you do not include the relevant document with your application we may not be able to process your application. It may be rejected and the fee paid will not be refunded.

Section 4 - Current and previous bankruptcy status

4.1 Are you **CURRENTLY** bankrupt (or the equivalent) in any country outside Scotland? YES ☐ NO ☐

If you have answered "YES" please confirm the name of the country and date you were made bankrupt.

Country _____

Date _____

4.2 Have you **PREVIOUSLY** been made bankrupt (or the equivalent) in any country outside Scotland? YES ☐ NO ☐

If you have answered "YES" please confirm the name of the country and date you were made bankrupt.

Country _____

Date _____

Name (if different from current) _____

4.3 Have you lived outside Scotland at any time during the last 5 years? YES ☐ NO ☐

If you have answered "YES" please confirm the name of the country and date(s) you lived there.

Country _____

Date(s) _____

Section 5 – Debtor's details

5.1	Title (Mr/Mrs/Miss/Ms or other title)	
	Surname	
	First and middle names	
	Any other names you are known as	
	Surname/maiden name before marriage (if applicable)	
5.2	Date of Birth	
5.3	Home address (house name/number & street)	
	Town	
	County	
	Postcode	
	Type of property	

How long have you lived at this address? ☐☐ years ☐☐ months

	Contact telephone number	
	Mobile telephone number	
	E-mail address	

5.4 Application made under:

1. Apparent Insolvency ☐
2. MAP ☐
3. Certificate for Sequestration ☐

Section 6 – Employment details

6.1 Are you or have you ever been the owner or director of a company/business? YES ☐ NO ☐

If you have answered "YES" above then please complete the trading details below.

Name of company/business	
Company number (as registered at companies house)	
Address	
Town	
Postcode	
Role in the company/business	
Dates trading (from and to)	

Please provide any further relevant trading information in the box below.

Section 6 (continued) – Employment details

6.2 Are you currently employed? YES ☐ NO ☐

If "YES" please complete the details below.

Name of employer	
Employers address	
Town	
Postcode	
Length of time in employment	
Position held	
Pay period (weekly/monthly/other)	
Gross pay	

6.3 Do you have an earnings/wages arrestment being deducted from your monthly salary? YES ☐ NO ☐

If "YES" please compete the information below

Name of creditor imposing earnings arrestment _____

Amount deducted _____

NOTE: You may be asked to supply your recent pay slips to your trustee to verify your income.

Section 6 (continued) – Employment details

6.4	Name of employer	
	Employers address	
	Town	
	Postcode	
	Length of time in employment	
	Position held	
	Pay period (weekly/monthly/other)	
	Gross pay	

6.5 Do you have an earnings/wages arrestment being deducted from your monthly salary? YES ☐ NO ☐

If "YES" please compete the information below

Name of creditor imposing earnings arrestment _____

Amount deducted _____

NOTE: You may be asked to supply your recent pay slips to your trustee to verify your income.

Section 6 (continued) – Employment details

6.6	Name of employer	
	Employers address	
	Town	
	Postcode	
	Length of time in employment	
	Position held	
	Pay period (weekly/monthly/other)	
	Gross pay	

6.7 Do you have an earnings/wages arrestment being deducted From your monthly salary? YES ☐ NO ☐

If "YES" please compete the information below

Name of creditor imposing earnings arrestment _____

Amount deducted _____

NOTE: You may be asked to supply your recent pay slips to your trustee to verify your income.

Section 7 – Income

7.1 Total number of people in household

7.2 Number of dependent children in household

7.3 **Salary and wages**

Income	Amount (£)	Frequency
Debtor's salary/wages		
Partner's salary/wages		

Total

7.4 **Pensions**

Pension(s)	Amount (£)	Frequency
State Pension(s)		
Private or work pension(s)		
Pension Credit		

Total

7.5 **Other income**

Other income	Amount (£)	Frequency
Maintenance or Child Support		
Boarders or lodgers		
Non-dependant contribution		
Student loans or grants		
(To be completed with any other household income)		
(To be completed with any other household income)		

Total

Section 7 (continued) –Income

7.6 **Benefits**

Type of benefit	Amount (£)	Frequency
Jobseeker's Allowance		
Income Support		
Working Tax Credits		
Child Tax Credits		
Employment and Support Allowance		
DLA, PIP or Attendance Allowance		
Carer's Allowance		
Housing Benefit/Local Housing Allowance		
Council Tax Reduction		
Universal Credit		
(Other)		
(Other)		
(Other)		

Total

Please use the space provided below to give details of any benefit listed under "other"

Section 8 – Expenditure

8.1

Essential expenditure	Amount	Frequency
Rent		
Ground rent, service charges, factor fees		
Mortgages		
Other Secured Loans		
Building and contents insurance		
Pension and life insurance		
Council Tax		
Gas		
Electricity		
TV Licence		
Magistrates or sheriff court fines		
Maintenance or Child Support		
Hire Purchase/conditional sales		
Childcare costs		
Adult care costs		

Total

8.2

Phone	Amount	Frequency
Home phone		
Mobile phone(s)		

Total

8.3

Travel	Amount	Frequency
Public transport (work, school, shopping, etc)		
Car Insurance		
Vehicle Tax		
Fuel (Petrol, Diesel, Oil, etc)		
MOT and car maintenance		
Breakdown and recovery		
Parking charges or tolls		

Total

Section 8 (Continued) – Expenditure

8.4

Housekeeping	Amount	Frequency
Food and milk		
Cleaning and toiletries		
Newspapers and magazines		
Cigarettes tobacco and sweets		
Alcohol		
Laundry and dry cleaning		
Clothing and footwear		
Nappies and baby items		
Pet food		

Total ☐

8.5

Other expenditure	Amount	Frequency
Health (dentist, glasses, prescriptions, health insurance)		
Repairs/house maintenance (including window cleaning, maintenance contracts)		
Hairdressing/haircuts		
Cable, satellite and internet		
TV, video and other appliance rental		
School meals and meals at work		
Pocket money and school trips		
Lottery and pools etc.		
Hobbies/leisure/sport (include pub outings, etc.)		
Gifts (Christmas, birthday, charity etc.)		
Vet bills and pet insurance		

Total ☐

8.6

All other expenses not covered above	Amount	Frequency

Total ☐

Total Income ☐ Surplus Income ☐

Total Expenditure ☐ Assessed Contribution ☐

Proposed first payment date (dd/mm/yyyy) __ __ / __ __ / __ __ __ __

8.7 Do you wish a third person to pay your contribution or part of it (see section 32A(6) of the Bankruptcy (Scotland) Act 1985 (as amended))? YES ☐ NO ☐

Section 9 - Living arrangements

9.1 Do you rent the property you currently live in? YES ☐ NO ☐

If you have answered "YES" above please complete the landlord and rental sections below then go straight to section 11.

If you have answered "NO" above please give details of your living arrangements, such as living with parents, in the 'Living arrangements details' text box or go straight to section 10 if you own your property.

Landlord/property owners details

Name	
Address	
Town	
Postcode	

Rental/tenancy agreement details

Name(s) on tenancy/rental agreement	Tenant 1 Tenant 2
Date tenancy/rental agreement was signed	

Living arrangements details

Section 10 – Your home

10.1 Do you own the property you currently live in? YES ☐ NO ☐

If you have answered "YES" above please complete the section below
If you have answered "NO" go straight to section 11

House/Flat

Total estimated value (if known)	Mortgage outstanding	Additional secured loan outstanding	Jointly owned (Yes/No)
£	£	£	

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

Mortgage/Secured loan information

Name and address of lender	Mortgage account number/lender Ref number	Date loan was obtained	Total amount originally borrowed
Mortgage			
Secured loan			

Section 11 – Other property

11.1 Do you, or have, you owned property in the last 5 years which is not your current residence? YES ☐ NO ☐

If "YES" please give details below
If you have answered "NO" go straight to section 11.2.

Address	
Type of property or land	
Valuation	
Date property was sold (if applicable)	
Address	
Type of property or land	
Valuation	
Date property/land was sold (if applicable)	
Address	
Type of property or land	
Valuation	
Date property/land was sold (if applicable)	

Continue on another sheet if necessary

11.2 List details of your previous addresses or any other addresses which were not listed in section 11.1 and where you have obtained credit, within the last 5 years, starting with the most recent.

House name or number and street	
Town	
County	
Postcode	
Dates from and to:	

House name or number and street	
Town	
County	
Postcode	
Dates from and to:	

Continue on another sheet if necessary

Section 12 - Assets

Vehicles

12.1 Do you own a vehicle? YES ☐ NO ☐

If "YES" is the vehicle subject to hire purchase, finance or Motability agreement? YES ☐ NO ☐

Vehicle Registration Number	
Make and model	
Approximate value of vehicle	
Year of manufacture	
Current vehicle mileage	
Hire Purchase company name (If applicable)	

12.2 Do you have use of any other vehicle not owned by you? YES ☐ NO ☐

If you have answered yes then please provide details below.

Any further vehicle details

Section 12 (continued) - Assets

12.3 **Policies**

Do you have any life insurance/assurance policies, endowments or savings plans? YES ☐ NO ☐

Type of policy

Company name

Address

Town

Postcode

Sum assured

Surrender value YES ☐ NO ☐ Value £_____

12.4 **Additional Policy**

Type of policy

Company name

Address

Town

Postcode

Sum assured

Surrender value YES ☐ NO ☐ Value £_____

Section 12 (continued) - Assets

Policy details continued

12.5 **Additional policy**

Type of policy	
Company name	
Address	
Town	
Postcode	
Sum assured	
Surrender value	YES ☐ NO ☐ Value £_____

12.6 **Additional policy**

Type of policy	
Company name	
Address	
Town	
Postcode	
Sum assured	
Surrender value	YES ☐ NO ☐ Value £_____

Section 12 (continued) - Assets

12.7 **Investments**

Do you have any investments such as stocks, shares bonds, savings certificates or premium bonds? YES ☐ NO ☐

Type of investment	
Company name	
Address	
Town	
Postcode	
Reference number	
Current value	

12.8

Type of investment	
Company name	
Address	
Town	
Postcode	
Reference number	
Current value	

Section 12 (continued) - Assets

Investments (continued)

12.9	Type of investment	
	Company name	
	Address	
	Town	
	Postcode	
	Ref number	
	Current value	

12.10	Type of investment	
	Company name	
	Address	
	Town	
	Postcode	
	Reference number	
	Current value	

section 12 (continued) - Assets

12.11 Are any of your possessions, other than any motor vehicle detailed previously, subject to a hire purchase or credit agreement? YES ☐ NO ☐

If "YES" enter details of all non-essential items below:

Hire purchase or finance company details	Possession description	Date purchased	Term of agreement	Estimated value (£)

12.12 Do you have any non-essential possessions, which are not subject to a hire purchase or credit agreement? YES ☐ NO ☐

If "YES" enter details of all non-essential items below:

Possession description	Date purchased	Estimated value (£)

12.13 Is the total value of all your non-essential possessions more than £2,000?

YES ☐ NO ☐

12.14 Do you have any individual non-essential possessions, including money, with a value of more than £1,000?

YES ☐ NO ☐

Please note: all cash and money held in bank accounts or elsewhere should be added together.

Section 13 – Debts

13.1 Please provide details of all debts using the table below. You may wish to continue on a separate page if necessary.

Type of debt	Name/address of creditor	Account/ reference number	Approximate date debt was obtained	Amount owed (£)

Section 13 (continued) – Debts

Type of debt	Name/address of creditor	Account/ reference number	Approximate date debt was obtained	Amount owed (£)

Total debt owed £ _____

Section 14 – Bank/building society accounts

14.1 Do you have any bank or building society account held in your own name or jointly with a third party? YES ☐ NO ☐

If you have answered yes above please provide details below.

Name/address of bank or building society	Name of account holder(s)	Sort code	Account number	Current balance (£)

Please continue on a separate sheet if required.

Section 15 – Other accounts

15.1 Do you have any Post office, credit union or other accounts held in your own name or jointly with a third party? YES ☐ NO ☐

If you have answered "YES" above please provide details below.

Name/address of post office/credit union etc.	Name of account holder(s)	Sort code	Account number	Current balance (£)

Please continue on a separate sheet if required.

If you have answered "NO" to both sections **14** and **15** please use the space provided below to give details of how you manage your finances, for example, how do you receive your wages and how do you pay your bills?

Section 16 – Trustee nomination

16.1 Do you wish to nominate an Insolvency Practitioner to be your trustee? YES ☐ NO ☐

If you have answered "YES" above please give full details of your nominated Insolvency Practitioner below

Name of nominated trustee	
Address	
Town	
Postcode	

If you have chosen to nominate a trustee then you must ensure that **Form 17** is completed and signed by the trustee before submitting this form.

If the Insolvency Practitioner does not sign and date Form 17, agreeing to act as the trustee in your bankruptcy, the Accountant in Bankruptcy will be deemed to be the trustee and will administer your bankruptcy.

Money Adviser Declaration

I confirm that I have provided the debtor named in section 5 of this form with advice in accordance with section 5C(1) of the Bankruptcy (Scotland) Act 1985 (as amended).

I confirm that I have obtained evidence of the debtor's income and expenditure and that I will retain records in relation to the advice given to the debtor in making this application (including evidence of the debtor's income and expenditure) for a period of two years.

Full name _____

Name of organisation _____

Address _____

Town _____

Postcode _____

Signed _____ Date_____

Sensitivity obligation

In terms of the Bankruptcy (Scotland) Act 1985 (as amended) and Regulations made under that Act certain information about all awarded bankruptcies must generally be included in the Register of Insolvencies (RoI) which is an on-line public record of all insolvencies awarded in Scotland. This information includes a bankrupt person's name, address and principal place of business(if any).

However, where the Accountant in Bankruptcy is of the opinion that inclusion of the information in the RoI would be likely to jeopardise the safety or welfare of any person, (e.g. where a person may be at risk of violence) information about an awarded bankruptcy need not be included in the RoI.

If you consider that inclusion of information about your bankruptcy (if awarded) in the RoI would be likely to jeopardise your safety or welfare or that of any other person you should set out details below and provide any other supporting evidence (eg from the police) with this form. The Accountant in Bankruptcy will then consider whether information about your bankruptcy (if awarded) should not be included in the RoI.

I confirm that I have a legitimate reason for certain details being withheld or treated sensitively for the purpose of the RoI ☐

(only tick if applicable)

PLEASE GIVE DETAILS BELOW

Preferred contact method

Please select your preferred method of contact (you may select more than 1 if you wish)

Phone	☐	Text	☐
E-mail	☐	Writing	☐

Automatic credit/HPI checks

I understand that Accountant in Bankruptcy will carry out automatic credit/HPI* checks prior to awarding my bankruptcy and I give my consent to do so.

Signed _____ Date _____

***credit/HPI** – The Accountant in Bankruptcy will carry out these checks in all cases, before award, to verify the level of debt and also confirm if there is any finance agreement valid against your vehicle.

Statement of Undertakings

I confirm that:

1. I have received money advice from the money adviser detailed in the money advice declaration section of this form. I agree to them acting on my behalf throughout the bankruptcy application process.

2. I have made a full disclosure of all assets which I owned or in which I had an interest in on my bankruptcy award date.

3. I will notify my trustee if I inherit, win or otherwise acquire any further assets during the period of 4 years after my bankruptcy award date.

4. I will immediately inform my trustee of any change of address or change in my financial circumstances during the period of 4 years after the date of bankruptcy.

5. I understand that I have a legal obligation to co-operate with my trustee and to provide any financial information or documents which may be required.

6. I understand that until I am discharged I may not, either alone or jointly with another person, obtain credit (which includes where goods are hired to me under a hire purchase agreement or agreed to be sold to me under a conditional sale agreement) either:

   (a) of £2000 or more; or
   (b) of any amount, where, at the time of obtaining credit, I have debts amounting to £1000 or more

   without informing the person from whom I obtain it of my bankruptcy

7. I understand that, until I am discharged I am subject to certain restrictions on the appointments I may take up or offices I may hold, including that I may not be a member of parliament or a justice of the peace.

8. I understand that until I am discharged I may not act as a director of a limited company or be involved directly or indirectly in the promotion, formation or management of a limited company without the leave of the court.

9. I understand that after 12 months from my bankruptcy award date (or normally after 6 months for Minimal Asset Process (MAP) cases) the Accountant in Bankruptcy may discharge me and that my discharge may be dependent on my compliance with this statement of undertakings.

10. I understand that I may be required by my trustee to undergo financial education and that my discharge may be dependent on completion of this financial education.

11. I understand that any assets which vested in my trustee on my bankruptcy award date, and which have not been sold, realised or ingathered by my trustee, will continue to vest in my trustee notwithstanding my discharge.

12. I understand that any assets which were acquired by me during the period of 4 years after my bankruptcy award date and which would have vested in my trustee if they had been part of my estate on my bankruptcy award date will vest in my trustee and that any such assets which have not been sold, realised or ingathered by my trustee, will continue to vest in my trustee notwithstanding my discharge.

13. I understand that if my bankruptcy is converted from MAP to Full Administration my discharge may not be granted until a further £110 is paid.

14. I understand that my circumstances will be assessed for the purpose of a debtor contribution order and that my discharge may be dependent on compliance with that order.

15. I understand that my on-going liabilities, including council tax, utility payments, tax and national insurance contributions are not included in the sequestration and that I have a duty to pay them.

Signed _____ Witness signature _____

Print name _____ Print name _____

Date _____ Date _____

Statement of Truth

I, _____(insert name) agree to be made bankrupt, if I meet the bankruptcy criteria as defined in the Bankruptcy (Scotland) Act 1985 (as amended), and certify that the information I have supplied in this application form is true, complete and accurate to the best of my knowledge and belief.

I understand that by becoming bankrupt, I may be required to make regular contributions from my income if I am financially able to do so and that my assets may be sold to repay my debts.

I have read and understood the warning below.

Signature _____

Date _____

WARNING

It is a criminal offence under section 5(9) and 67(1) of the Bankruptcy (Scotland) Act 1985 (as amended), for you to make a false statement in this form in relation to your assets or business or financial affairs, to not disclose any material fact in this statement or make a material misstatement unless you can show that you did not know that statement was false and had no reason to believe it was false.

On summary conviction, you may be liable to a fine of up to £5,000 or to imprisonment for a maximum period of three months or to both.

If you deliberately do not disclose all relevant information or if you deliberately make a false statement when completing this form, you may become subject to bankruptcy restrictions.

Form 15

Debtor Application (Trust, Partnership, etc.)
Bankruptcy (Scotland) Act 1985 (as amended)
Section 6

Section 1 – The Entity

1.1	Name of the entity	
1.2	Type of entity	
1.3	Address of entity	
	Town	
	County	
	Postcode	
	Contact telephone number	
	Other contact number	
	E-mail address	
	Fax	

Section 2 – You

2.1	Title (Mr, Mrs, Miss, Ms etc)	
	Surname	
	First and middle names	
2.2	Home address (house name/number & street)	
	Town	
	County	
	Postcode	
	Daytime contact number	
	Evening contact number	
	e-mail address	
2.3	Your relationship to the entity	

Section 3 – Previous Business addresses

3.1 Has the business moved addresses in the past 3 years? YES ☐ NO ☐

If you have answered "YES" above please give further details

Previous address	
Town	
County	
Postcode	
Dates	

3.2 Has the business ever obtained credit from any other address not stated in section 1 or 3? YES ☐ NO ☐

If you have answered "YES" above please give further details

Address (where credit was obtained)	
Town	
County	
Postcode	
Dates	

Section 3 (continued) – Previous Business addresses

3.3 Has the entity ever had a business address or traded anywhere outside Scotland? YES ☐ NO ☐

If you have answered "YES" above then please give details below.

Country _____

Dates _____

3.4 Has the entity ever been subject to bankruptcy proceedings in any country outside Scotland? YES ☐ NO ☐

If you have answered "YES" above then please give details below.

Country _____

Dates _____

Any additional information relevant to previous business addresses.

Section 4 – Concurring Creditor

4.1	Name of concurring creditor	
	Position (if they are agreeing on behalf of the firm, company etc)	
4.2	Address	
	Town	
	County	
	Postcode	
4.3	Amount owed to the creditor from the entity	

4.4 **This section must be completed by the concurring creditor**

a I am the creditor identified above.

b I am owed the sum specified in the Form 3 Oath by Creditor .

c I have read the notes on the previous page.

d I concur in this petition.

Signed _____

Status _____

Date _____

Section 5 – Nominating a Trustee

5.1 Do you wish to nominate an Insolvency Practitioner to be the trustee? YES ☐ NO ☐

If "YES" please complete the details below.

5.2	Name of nominated trustee	
5.3	Address	
	Town	
	County	
	Postcode	

If you have chosen to nominate a trustee, ensure that Form 17 is completed and returned with this application.

Form 16

Statement of Assets and Liabilities
(Trusts, Partnerships etc.)

Bankruptcy (Scotland) Act 1985 (as amended)
Section 6(8) (and section 5(6A) as applied by that section)

WARNING

You may be committing a criminal offence if you deliberately do not disclose all relevant information or if you deliberately make a false statement when completing this form.

Name of the entity	
Address	
Town	
County	
Postcode	
Contact name	
Contact address	
Town	
County	
Postcode	
Daytime contact number	
Evening contact number	

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity receives an income by ticking the relevant box.

If you answer "YES", complete the table giving details of any income the entity receives, grants, lottery, money from trusts etc.

Enter the address from where this income comes, the frequency of the payments such as weekly, monthly, fortnightly etc, and the amount the entity receives.

Form 16 - Statement of Assets and Liabilities

Is the entity currently receiving any income? YES ☐ NO ☐

If "YES" please enter details below of any income received.

Type of income	Name & address of income source	Frequency	Gross income (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity has any other possessions, other than the motor vehicle, which is subject to hire purchase or credit agreement by ticking the relevant box.

If you select “YES” then complete the table giving details of the hire purchase of credit company, a description of the item in possession, the date purchased, the term of the agreement and the estimated value of the item.

Indicate if the entity has any possessions, which are not subject to a hire purchase or credit agreement by ticking the relevant box. Items to consider are: satellite equipment, caravans, boats, video recording equipment, tools, fixtures and fittings, electrical goods, paintings, sports equipment etc.

If you have selected “YES” then complete the table giving a description of the item, date the item was purchased and an estimated value.

Form 16 - Statement of Assets and Liabilities

Do you currently hold a premises or personal licence under The Licensing (Scotland) Act 2005 or are you involved in licenced trading? YES ☐ NO ☐

Does the entity own a motor vehicle? YES ☐ NO ☐

Provide details of all the motor vehicles owned by the entity.

Make and model	Current mileage	Registration No	Estimated Value (£)	HP or finance company (if applicable)

You **MUST** enclose a copy of any Finance agreement with this form.

Please provide details below of what the vehicle(s) are used for.

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity has any other possessions, other than the motor vehicle, which is subject to hire purchase or credit agreement by ticking the relevant box.

If you select “YES” then complete the table giving details of the hire purchase of credit company, a description of the item in possession, the date purchased, the term of the agreement and the estimated value of the item.

Indicate if the entity has any possessions, which are not subject to a hire purchase or credit agreement by ticking the relevant box. Items to consider are: satellite equipment, caravans, boats, video recording equipment, tools, fixtures and fittings, electrical goods, paintings, sports equipment etc.

If you have selected “YES” then complete the table giving a description of the item, date the item was purchased and an estimated value.

Form 16 - Statement of Assets and Liabilities

Are any of the entity possessions, other than the motor vehicle, subject to hire purchase or credit agreement? YES ☐ NO ☐

If "YES" enter details of these possessions and the agreement below.

Hire purchase or finance company	Possession description	Date purchased	Term of agreement	Estimated value (£)

Does the entity have any possessions which are not subject to a hire purchase or credit agreement? YES ☐ NO ☐

If "YES" enter details of the item(s) below.

Possession description	Date purchased	Estimated value (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity has a bank or building society account by ticking the relevant box.

If you have selected “YES” then complete the table.

Enter the name and address of the bank or building society where the account is held.

Enter the name of the account.

Enter the account number.

Enter the sort code.

Enter the current balance of the account.

Form 16 - Statement of Assets and Liabilities

Does the entity have a bank or building society account(s)? YES ☐ NO ☐

If "YES" please give details of the account(s) below.

Name & address of bank or building society	Account name	Account number	Sort code	Balance (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity has a post office or credit union account by ticking the relevant box.

If you have selected “YES” then complete the table.

Enter the name and address of the post office or credit union where the account is held.

Enter the name of the account.

Enter the account number.

Enter the sort code.

Enter the current balance of the account.

Form 16 - Statement of Assets and Liabilities

Does the entity have a post office, credit union or other type of account? YES☐ NO☐

If "YES" please give details of the account(s) below.

Name & address of post office/credit union etc	Account name	Account number	Sort code	Balance (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity has any assurance, endowment polices or saving plans by ticking the relevant box.

If you have selected “YES” then complete the table.

Enter the type of policy or plan.

Enter the name and address of the company the policy/plan is with.

Enter the reference number for the policy/plan.

Enter the sum assured.

Enter the estimated surrender value of the policy/plan.

Form 16 - Statement of Assets and Liabilities

Does the entity have any assurance policies, endowment policies or saving plans? YES ☐ NO ☐

If "YES" please give details of the account(s) below.

Type of policy/plan	Name & address of company	Reference number	Sum assured	Estimated surrender value (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity has any investments such as stocks and shares, bonds, savings accounts or premium bonds by ticking the relevant box.

If you have selected “YES” then complete the table.

Enter the type of investment.

Enter the name and address of the relevant company.

Enter the investment reference number.

Enter the estimated value.

Form 16 - Statement of Assets and Liabilities

Does the entity have any investments, such as stocks, shares, bonds, saving certificate or Premium Bonds? YES ☐ NO ☐

If "YES" please enter details of the policies and savings plans below.

Type of Investment	Name & address of company	Reference number	Value (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity has any investments such as stocks and shares, bonds, savings accounts or premium bonds by ticking the relevant box.

If you have selected “YES” then complete the table.

Enter the type of investment.

Enter the name and address of the relevant company.

Enter the investment reference number.

Enter the estimated value.

Form 16 - Statement of Assets and Liabilities

Does the entity rent the property where it does business from? YES ☐ NO ☐

If you have answered "YES" above please complete the landlord and rental section below.

Landlord/Property Owners Details

Name	
Address	
Town	
Postcode	

Rental/Tenancy Agreement Details

Name(s) of tenancy/rental agreement	Tenant 1 Tenant 2
Date tenancy/rental agreement was signed	

You must submit your rental or tenancy agreement or letter from the landlord with this form.

Any additional information regarding the rental of the property.

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity owns the property where they currently do business from by ticking the relevant box.

If you have selected “YES” then please complete the tables.

Enter the value of the property.

Enter the current value of the mortgage outstanding.

Enter the value of any secured loan against the property outstanding.

Please indicate if the property is jointly owned but putting “Yes” or “No” in the end column.

If the property is jointly owned please provide the name and address of the other owner(s) in the box provided.

Enter the name and address of the mortgage/secure loan lender.

Enter the mortgage/account reference number if the mortgage or secured loan.

Enter the date the mortgage/loan was obtained.

Enter the total amount originally borrowed.

Form 16 - Statement of Assets and Liabilities

Does the entity own the property where they do business from? YES ☐ NO ☐

If you have answered "YES" above please complete the section below.

Total value	Mortgage outstanding	Secured loan outstanding	Jointly owned (Yes/No)
£	£	£	

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

Mortgage/Secured loan information

Name and address of lender	Mortgage account number/lender ref number	Date loan was obtained	Total amount originally borrowed
Mortgage			
Secured loan			

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

State if the entity whether wholly of jointly owns any property within Scotland or elsewhere by ticking the relevant box.

If you have selected “YES” then please provide details of the property owned.

Enter the address of the property.

Enter the date the property was purchased.

If the property is jointly owned then please provide the name and address of the joint owner(s) in the box provided.

Enter the name and address of the mortgage/secure loan lender.

Enter the mortgage/account reference number if the mortgage or secured loan.

Enter the date the mortgage/loan was obtained.

Enter the total amount originally borrowed.

Form 16 - Statement of Assets and Liabilities

Does the entity own the property where they do business from? YES ☐ NO ☐

If you have answered "YES" above please complete the section below.

Total value	Mortgage outstanding	Secured loan outstanding	Jointly owned (Yes/No)
£	£	£	

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

Mortgage/Secured loan information

Name and address of lender	Mortgage account number/lender ref number	Date loan was obtained	Total amount originally borrowed
Mortgage			
Secured loan			

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Indicate if the entity has ever owned a property or land in any other country outside Scotland in the last 5 years.

If you have answered yes then please enter the property details in the table provided.

Enter the property address.

Enter the date the property was bought.

Enter the date the property was sold.

If the property listed was jointly owned then please provide the name and address of the joint owner(s) in the box provided.

Form 16 - Statement of Assets and Liabilities

Has the entity previously owned any property or land in any other country outside Scotland in the past 5 years? YES ☐ NO ☐

If "YES" please give details below

Property address	Date property was bought	Date property was sold

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Enter the type of debt (eg. credit card, loan etc.)

Enter the name and address of the creditor.

Enter the account/reference number relating to the credit.

Enter the approximate date the debt was obtained.

Enter the amount owed at present.

Form 16 - Statement of Assets and Liabilities

Please provide details of all debts using the table below. You may wish to continue on a separate page if necessary.

Type of debt	Name/address of creditor	Account/ reference number	Approximate date debt was obtained	Amount owed (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS.**

Enter the type of debt (eg. credit card, loan etc.)

Enter the name and address of the creditor.

Enter the account/reference number relating to the credit.

Enter the approximate date the debt was obtained.

Enter the amount owed at present.

Form 16 - Statement of Assets and Liabilities

Type of debt	Name/address of creditor	Account/ reference number	Approximate date debt was obtained	Amount owed (£)

Total Debt Level £ _____

NOW PLEASE SIGN THIS FORM

I certify that all the information supplied in this application is true, complete and accurate to the best of my knowledge and belief.

Signed _____

Print _____

Date _____

Form 17

Form of Undertaking to act as Trustee in Sequestration on the Application of a Debtor

Bankruptcy (Scotland) Act 1985 (as amended)
Section 2(1A)(c) and (3)(c)

This form should be completed by a qualified Insolvency Practitioner if:

1) a debtor applies for an award of sequestration under section 5 or 6 of the Bankruptcy (Scotland) Act 1985 (as amended),

2) the debtor nominated the Insolvency Practitioner to act as the trustee in the sequestration, and

3) the Insolvency Practitioner undertakes to so act.

Undertaking

I,	Insert Insolvency Practitioner's name
	Insert business address
	Town
	County
	Postcode

being qualified to act as an Insolvency Practitioner as defined by section 390 of the Insolvency Act 1986, and being a member of

_____ (name of authorising body)

undertake, if appointed by the Accountant in Bankruptcy to do so, to act as the trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

Signed _____ Date _____
(Insolvency Practitioner)

Form 18

Form of Schedule of Award of Sequestration on Application by Debtor or Executor

Bankruptcy (Scotland) Act 1985 (as amended)
Section 12(1) and (1B)

Debtor's Name (or name of other entity entitled to apply under section 6 of the Bankruptcy (Scotland) Act 1985)	Debtor's Address	Postcode	Accountant in Bankruptcy Case Reference Number	Trustee's Name and Address

I_____ (insert name) _____ (insert status)
certify that

- each of the above named has applied for sequestration of their estate (or their executor has applied for sequestration of their estate)
- the applications meet all the conditions specified in section 12(1) (or (1B) of the Bankruptcy (Scotland) Act 1985 and in Regulations

Signed _____ (insert date) _____

I award sequestration of the estate of each of the above named

Signed _____ *Accountant in Bankruptcy/Depute Accountant
Date _____ (insert date)
*delete as appropriate

Form 19

Form of Refusal of Award of Sequestration

Bankruptcy (Scotland) Act 1985 (as amended)
Section 12(1) and 12(1B)

_____ (Insert debtor's name, or name of other entity entitled to apply under section 6 of the Bankruptcy (Scotland) Act 1985 (as amended)
_____ (Insert debtor's address)
_____
_____ (Insert case reference number)

has applied for an award of sequestration.

*The application has not been completed in accordance with the Bankruptcy (Scotland) Act 1985 (as amended) and Regulations for the following reason:
_____
_____
_____

*The debtor has not met the conditions set out in section 5(2ZA) of the Bankruptcy (Scotland) Act 1985 (as amended) for any of the following reasons:

- The debtor has not been assessed by the common financial tool as requiring to make a debtor's contribution and has not been in receipt of a prescribed payment for a period of at least 6 months ending on the day on which the application was made
- The total amount of the debtor's debts (including interest) at the date the debtor application was made is *less than £1500/*more than £17000
- The total value of the debtor's assets (leaving out of account any liabilities) on the date the debtor application was made exceeds £2000
- The debtor has a single asset the value of which exceeds £1000
- The debtor owns land
- The debtor has not been granted a certificate for sequestration of the debtor's estate within the meaning of section 5B of the Bankruptcy (Scotland) Act 1985 (as amended) within the prescribed period
- An award of sequestration has been made against the debtor in pursuance of an application under section 5(2ZA) of the Bankruptcy (Scotland) Act 1985 (as amended) within the period of 10 years ending on the day before the day on which the debtor application was made
- An award of sequestration has been made against the debtor in pursuance of an application other than under section 5(2ZA) of the Bankruptcy (Scotland) Act 1985 (as amended) or in pursuance of a petition for sequestration within the period of 5 years ending on the day before the day on which the debtor application was made.

*The debtor has not met the conditions set out in section 5(2B) of the Bankruptcy (Scotland) Act 1985 (as amended) for any of the following reasons:

- The total amount of the debtor's debts (including interest) at the date the debtor application was made is less than £3000

- An award of sequestration against the debtor has been made within the period of 5 years ending on the day before the day on which the debtor application was made

- The debtor has not obtained the advice of a money adviser in accordance with section 5C(1) of the Bankruptcy (Scotland) Act 1985 (as amended)

- The debtor has not given a statement of undertakings (including an undertaking to pay to the trustee after the award of sequestration of the debtor's estate an amount determined using the common financial tool)

- The debtor
    - is not apparently insolvent for the purposes of section 5(2B)(c)(i) of the Bankruptcy (Scotland) Act 1985 (as amended) or
    - has not been granted a certificate of sequestration of the debtor's estate within the meaning of section 5B of the Bankruptcy (Scotland) Act 1985 (as amended) within the prescribed period
    - has not granted a trust deed which is not a protected trust deed by reason of the creditors objecting, or not agreeing, in accordance with regulations under paragraph 5 of Schedule 5 to the Bankruptcy (Scotland) Act 1985 (as amended), to the trust deed.

* The debtor is currently subject to a protected trust deed

* The debtor application is made under section 6 of the Bankruptcy (Scotland) Act 1985 (as amended)) and the debtor has not met relevant conditions in terms of that section for any of the following reasons:

- No qualified creditor or creditors have concurred in the application

- The debtor is not apparently insolvent as defined in section 7 of that Act

- The debtor's creditors have not prevented the protection of a trust deed granted by the debtor.

*The debtor has not paid the application fee prescribed in Regulations.

*The debtor has not sent a statement of their assets and liabilities.

Signed _____ (insert name) _____ (insert status)

Date _____ (insert date)

Refusal of Award

I refuse this application for an award of sequestration.

Signed _____
Accountant in Bankruptcy/Depute Accountant

Date_____ (insert date)

*delete as appropriate

Form 20

Notice of Award of Sequestration to the Keeper of the Registers of Scotland

Bankruptcy (Scotland) Act 1985
Section 14(1A)

AiB Reference: _____

Certificate

I certify that

	Insert debtor's full name
	Insert debtor's address
	Town
	County
	Postcode

applied to the Accountant in Bankruptcy for the sequestration of their estate and that sequestration was awarded on _____ (insert date) and

*_____ (insert trustee's name and designation) was appointed as the trustee in the sequestration

*the Accountant in Bankruptcy is deemed to have been appointed as the trustee in the sequestration.

Signed _____(insert name)

*Accountant in Bankruptcy/Depute Accountant/Authorised Delegate of the Accountant

Date _____ (insert date)
*delete as appropriate

Note

Except where the information set out in this form is transmitted to the Keeper of the Registers of Scotland in an approved electronic format, this certificate must be marked by an appropriate official stamp.

Form 21

Application to Resign from Office as Trustee in Sequestration

Bankruptcy Scotland Act 1985
Section 28(1)

Note

Section 28(1) of the Bankruptcy (Scotland) Act 1985 provides that the trustee may apply to the Accountant in Bankruptcy for authority to resign office.

Application

I,	Insert insolvency practitioner's name
	Insert business address
	Town
	County
	Postcode

was appointed as trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

by

* the Accountant in Bankruptcy

* the Sheriff at _____ (insert name of Court)

on _____ (insert date of appointment).

I apply to the Accountant in Bankruptcy for authority to resign from office as trustee in sequestration on the grounds that

* I am unable to act

* I should not continue to act

for the following reason(s)

_____

_____

Signed _____ (trustee)

Date _____

* delete as appropriate

Form 22

Notice of Abandonment of Heritable Property by Trustee in Sequestration where the Accountant in Bankruptcy is not the Trustee

Bankruptcy (Scotland) Act 1985
Section 32(9A)

Notice of Abandonment

I,	Insert insolvency practitioner's full name
	Insert business address
	Town
	County
	Postcode

was appointed trustee in the sequestration of

	Insert debtor's full name
	Insert debtor's address
	Town
	County
	Postcode

by

* the Accountant in Bankruptcy

* the Sheriff at _____

(insert name of Court)

on _____ (insert date of appointment).

The award of sequestration was recorded in the Register of Inhibitions on _____ (insert date)

The trustee certifies–

1. That the debtor's sequestrated estate included *his/her interest in the heritable property known as and forming (and hereafter referred to as the property)

	Insert address of property
	Town
	County
	Postcode
	Description of property (see note 3)
	Land Register title number (see note 3)

to which the debtor first acquired right by virtue of title

*registered in the Land Register of Scotland

*recorded in the Division of the General Register of Sasines for the County of _____

on _____ (insert date when subjects were registered, see note 3)

and the trustee became vested in the debtor's share and interest therein.

2. That no disposition or other conveyance by the trustee or otherwise conveying the debtor's share and interest or former interest in the property has been executed by the trustee or delivered to the debtor.

3. That the trustee by execution of these presents confirms that he has abandoned the property to the debtor and has renounced and hereby renounces and abandons any claim to the debtor's share and interest or former share or interest in and to the property.

*3A. That the property has been abandoned in consideration of a payment of £ _____ (insert amount if appropriate) which has been made to the sequestrated estate (see note 4).

4. That no statement herein affects the trustee's right to funds received by the debtor prior to *his/her discharge under Section 54 of the Bankruptcy (Scotland) Act 1985.

5. That the trustee consents to registration of these presents for publication and preservation.

Signed_____ (trustee)

Date _____

* delete as appropriate

Notes

1. This form shall be used by the trustee in sequestration (where the trustee is not the Accountant in Bankruptcy) to notify a debtor that any heritable property which vests in the trustee has been abandoned to the debtor.

2. The trustee in sequestration shall send a certified copy of this form to the Keeper of the Registers of Scotland to be recorded in the register of inhibitions. The certificate should be signed by the trustee and added at the foot of the last page of the copy. The certificate should state that it is a true copy. A copy should then be sent to the debtor forthwith.

3. A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.

4. Paragraph 3A should be deleted if no payment was received in consideration of the subjects.

Form 23

Notice of Abandonment of Heritable Property where the Accountant in Bankruptcy is the Trustee in Sequestration

Bankruptcy (Scotland) Act 1985
section 32(9A)

Notice of Abandonment

	Insert debtor's full name
	Insert debtor's address
	Town
	County
	postcode

was sequestrated on _____ (insert date of sequestration) by

* the Accountant in Bankruptcy, and the Accountant in Bankruptcy was deemed to be appointed the trustee in the sequestration

* the Sheriff at _____ (insert name of Court), and the Accountant in Bankruptcy was appointed to be the trustee in the sequestration

on _____ (insert date of appointment).

The award of sequestration was recorded in the Register of Inhibitions on _____ (insert date)

The Accountant in Bankruptcy certifies–

1. That the debtor's sequestrated estate included *(*his/her _____ (specify part) share in and to) the heritable property known as and forming (and hereafter referred to as the property)

	Insert address of property
	Town
	County
	Postcode
	Description of property (see note 3)
	Land Register title number (see note 3)

to which the debtor first acquired right by virtue of title

*registered in the Land Register of Scotland

*recorded in the Division of the General Register of Sasines for the County of _____

on _____ (insert date when subjects were registered, see note 3)

and the trustee became vested in the debtor's share and interest therein.

2. That no disposition or other conveyance by the trustee or otherwise conveying the debtor's share and interest or former interest in the property has been executed by the trustee or delivered to the debtor.

3. That the trustee by execution of these presents confirms that he has abandoned the property to the debtor and has renounced and hereby renounces and abandons any claim to the debtor's share and interest or former share or interest in and to the property.

*3A. That the property has been abandoned in consideration of a payment of £ _____ (insert amount if appropriate) which has been made to the sequestrated estate (see note 4).

4. That no statement herein affects the trustee's right to funds received by the debtor prior to *his/her discharge under Section 54A of the Bankruptcy (Scotland) Act 1985.

5. That the trustee consents to registration of these presents for publication and preservation.

Signed _____ (insert name)

*Accountant in Bankruptcy/Depute Accountant/Authorised Delegate of the Accountant

Date _____ (insert date)

*delete as appropriate

Notes

1. This form shall be used by the Accountant in Bankruptcy, where appointed or deemed to have been appointed as trustee in sequestration under section 2(1B) or (2) of the Bankruptcy (Scotland) Act 1985, to notify a debtor that any heritable property which vests in the trustee has been abandoned to the debtor.

2. The Accountant in Bankruptcy shall send a certified copy of this form to the Keeper of the Registers of Scotland to be recorded in the register of inhibitions. Except where the information set out in this form is transmitted to the Keeper of the Registers of Scotland in an approved electronic format, this certificate must be marked by an appropriate official stamp. The certificate should be signed and the status of the certifying officer must be specified. The certificate should be and added at the foot of the last page of the copy. The certificate should state that it is a true copy and the date on which the notice was given to the debtor.

3. A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.

4. Paragraph 3A should be deleted if no payment was received in consideration of the subjects.

(bankruptcy ref)

ACCOUNTANT IN BANKRUPTCY
SCOTLAND'S INSOLVENCY SERVICE

Form 24

Debtor Contribution Order
(Debtor Application)

Bankruptcy (Scotland) Act 1985 (as amended)
Section 32A(1)(a)

The Accountant in Bankruptcy having awarded the bankruptcy of,

(Insert debtor's name)

(Insert debtor's address)

(Town)

(Postcode)

("the debtor")

and having assessed the debtor's circumstances using the Common Financial Tool specified under section 5D of the Bankruptcy (Scotland) Act 1985 (as amended), fixes the debtor's contribution as and requires the debtor to pay the sum of **£ (amount)** per **(payment interval)** with a start date of (**dd/mm/yy)** and an end date of (**dd/mm/yy)** representing a period of 48 months or another period as specified in this order under section 32B(2) of the Bankruptcy (Scotland) Act 1985 (as amended). This period may be subject to variation under section 32F of that Act.

*As agreed a third person will pay the trustee a specified proportion of money due to the debtor by way of income in accordance with section 32A(6) of the Bankruptcy (Scotland) Act 1985 (as amended). The details are as follows:

***(full details of arrangement)**

Issued by The Accountant in Bankruptcy
(dd/mm/yyyy)

*delete as appropriate

(bankruptcy ref)

ACCOUNTANT IN BANKRUPTCY
SCOTLAND'S INSOLVENCY SERVICE

Form 25

Debtor Contribution Order
(Petition for Sequestration)

Bankruptcy (Scotland) Act 1985 (as amended)
Section 32A(1)(b)

The Accountant in Bankruptcy having considered the proposal by,

(Insert name of trustee)

in the bankruptcy of,

(Insert debtor's name)

(Insert debtor's address)

(Town)

(Postcode)

and having confirmed that the debtor's circumstances have been assessed using the Common Financial Tool as prescribed under section 5D of the Bankruptcy (Scotland) Act 1985 (as amended), fixes the debtor's contribution as and requires the debtor to pay the sum of **£ (amount)** per **(payment interval)** with a start date of (**dd/mm/yy)** and an end date of (**dd/mm/yy)** representing a period of 48 months or another period as specified in section 32B(2) of the Bankruptcy (Scotland) Act 1985 (as amended). This period may be subject to variation under section 32F of that Act

*As agreed a third person will pay the trustee a specified proportion of money due to the debtor by way of income in accordance with section 32A(6) of the Bankruptcy (Scotland) Act 1985 (as amended). The details are as follows:

***(full details of arrangement)**

Issued by The Accountant in Bankruptcy
(dd/mm/yyyy)

*delete as appropriate

Form 26

Notice by Trustee of Proceedings to Obtain Authority in Relation to Debtor's Family Home

Bankruptcy (Scotland) Act 1985 (as amended)
Section 40(3B)

Note to Trustee

This form of notice must be used to give notice to a local authority of an application made under section 40(1)(b) of the Bankruptcy (Scotland) Act 1985. This notice must be sent before commencing proceedings in accordance with section 40(3A) of the 1985 Act.

Notice by

Trustee in Sequestration, or

Trustee under a Trust Deed

of Application to Court to obtain the authority of the sheriff to sell or dispose of rights and interests in debtor's family home

To: _____

(Name of local authority in whose area the property referred to in the application or proceedings is situated)

Take note that an application to court has been made as detailed below to obtain the authority of the sheriff to sell or dispose of rights and interests in a debtor's family home.

(Please give the following information)

Name and address of the trustee:

	Insert trustee's name
	Insert trustee's address
	Town
	County
	Postcode

	Case Reference Number

Name and address of the trustee's legal respresentatives:

	Insert trustee's legal representatives' name
	Insert trustee's legal representatives' address
	Town
	County
	Postcode

Contact telephone number of the trustee:

Form 27

Debtor's Account of Current State of Affairs

Bankruptcy (Scotland) Act 1985 as amended
Section 43A(2)

Bankruptcy of :	
Case reference number:	

WARNING TO THE DEBTOR

It is a criminal offence under section 32(7) of the Bankruptcy (Scotland) Act 1985 (as amended) for you to fail to notify your trustee of any assets acquired by you for a period of 4 years after the date of bankruptcy.*

On summary conviction you may be liable to a fine not exceeding £5000, or imprisonment for a maximum period of three months, or both.

CERTIFICATION

	Insert name
	Address
	Town
	County
	Postcode
	Telephone number

I confirm that the information I have provided in this form is complete and correct. I have read the above warning and I understand that if I fail to divulge assets acquired by me or if I have provided information which is known to be false that I may be subject to prosecution. I certify that the details provided in this form are true, complete and accurate to the best of my knowledge.

"the date of bankruptcy" is-

(a) where your bankruptcy was awarded following presentation of a petition for sequestration -
(i) the date on which the sheriff granted warrant to require you to appear before the sheriff to decide whether you should be made bankrupt; or
(ii) where more than one such warrant was granted, the date on which the first such warrant was granted.

(b)where your bankruptcy was awarded following a debtor application, the date bankruptcy was awarded.

Signature of debtor: _____ Date: _____

Completion Guidance

You should complete this application pack using **BLACK INK** and **CAPITAL LETTERS** throughout.

The information on this page will help you complete the next page.

All sections of the questionnaire must be completed. If you feel that certain questions do not relate to your circumstances then you should write "not applicable".

If there is insufficient space provided for your answer, or if you have information which is not covered by any section but which your trustee should be made aware of, then additional sheets may be attached and submitted with this questionnaire.

Q 1. (a) If you are working, provide details of your occupation.

(b) Answer "yes" if Tax and National Insurance is deducted by your employer at source.

(c) Provide details of your Gross Income (before deductions) from your payslip.

(d) Advise if your employer is aware of your bankruptcy.

Q2. Provide details of the type of benefits you receive, e.g. Universal Credit, Income support, Employment Support Allowance, Disability Living Allowance, and Working Tax Credits.

You should also specify the amount and how often you are paid (weekly/fortnightly/monthly/4 weekly).

Q3. (a) If you are self-employed, provide details of your occupation or job title.

(b) Enter your average income. This should be the average weekly or monthly amount based on earnings over the last trading year.

(c) Answer "yes" if you pay National Insurance contributions.

Q1. Individuals in employment:

(a) Occupation: ☐

(b) Tax and National Insurance deducted by employer YES ☐ NO ☐

(c) Gross income (before deductions) ☐

(d) Is your employer aware of your bankruptcy? YES ☐ NO ☐

Note: Please attach your two most recent wage/salary slips. Any documents received will be returned to you after a copy has been taken.

Q2. Individuals in receipt of Social Security benefit(s) or Tax Credits:

Benefit(s) claimed:

Type of benefit	Amount received	Frequency

Q3. Individuals who are self-employed:

(a) Occupation: ☐

(b) Average income (gross): ☐

(c) Frequency of income (weekly, monthly etc): ☐

(d) Are you paying National Insurance contributions? YES ☐ NO ☐

Completion Guidance

You should complete this application pack using **BLACK INK** and **CAPITAL LETTERS** throughout.

The information on this page will help you complete the next page.

Q4. (a) Answer "yes" if you receive any income in addition, or other than employment/benefit income (pensions annuities, grants, trusts, rents etc).

If "yes" you should provide details of any payment received. Attach any documentation relating to the payment and return it with this form.

(b) Answer "yes" if you have received any "one-off" payments since the date of bankruptcy or last report e.g. inheritances, gifts, pools/lottery wins, assurance policies, redundancy payments, or anything similar.

If "yes" you should provide details of any payments received. Attach any documentation relating to the payment and return it with this form.

Q5. Provide details of **ALL** bank accounts you hold, including details of the name of the bank, the branch, account type, account number and current balance.

Q4 Income other than employment/benefits

(a) Do you have any other source of income? YES ☐ NO ☐

If "yes" please provide details below:

Income type	Amount received	Date received

(b) Have you received any "one-off" payments? YES ☐ NO ☐

If "yes" please provide details below:

Income type	Amount received	Date received

Q5 Details of bank, building society or savings account(s) operated by you:

Name of bank/building society	Branch	Account type (current/savings)	Account number	Balance (£)

Completion Guidance

You should complete this application pack using **BLACK INK** and **CAPITAL LETTERS** throughout.

The information on this page will help you complete the next 4 pages.

Q6. In order for your circumstances to be assessed fairly it is important that we receive an accurate account of the household income and expenses from all occupants. If you fail to provide the income and expenses of all parties living in the household it will be assumed that all persons pay an equal share of the household expenses.

Over the next 4 pages of this form you are required to complete the tables provided with your income and expenditure.

Q6. Income and Expenditure

Total number of people in household

Number of dependent children in household

Salary and wages

Income	Amount (£)	Frequency
Debtor's salary/wages		
Partner's salary/wages		

Pensions

Pension(s)	Amount (£)	Frequency
State Pension(s)		
Private or work pension(s)		
Pension Credit		

Other income

Other income	Amount (£)	Frequency
Maintenance or child support		
Boarders or lodgers		
Non-dependant contribution		
Student loans or grants		
(To be completed with any other household income)		
(To be completed with any other household income)		
(To be completed with any other household income)		

Benefits

Type of benefit	Amount (£)	Frequency
Jobseeker's Allowance		
Income Support		
Working Tax Credits		
Child Tax Credits		
Employment and Support Allowance		
DLA, PIP or attendance allowance		
Carer's Allowance		
Housing Benefit/Local Housing Allowance		
Council Tax Reduction		
Universal Credit		
(Other)		
(Other)		
(Other)		

Please use the space provided below to give details of any benefit listed under "other"

Essential expenditure	Amount	Frequency
Rent		
Ground rent, service charges, factor fees		
Mortgages		
Other Secured Loans		
Building and Content Insurance		
Pension and Life insurance		
Council Tax		
Gas		
Electricity		
TV Licence		
Magistrates or Sheriff Court Fines		
Maintenance or Child Support		
Hire Purchase/Conditional Sales		
Childcare Costs		
Adult Care Costs		

Phone	Amount	Frequency
Home Phone		
Mobile Phone(s)		

Travel	Amount	Frequency
Public Transport (work, school, shopping, etc)		
Car Insurance		
Vehicle Tax		
Fuel (Petrol, Diesel, Oil, etc)		
MOT and car maintenance		
Breakdown and Recovery		
Parking Charges or Tolls		

Housekeeping	Amount	Frequency
Food and Milk		
Cleaning and Toiletries		
Newspapers and Magazines		
Cigarettes Tobacco and Sweets		
Alcohol		
Laundry and dry cleaning		
Clothing and Footwear		
Nappies and baby items		
Pet Food		

Other expenditure	Amount	Frequency
Health (dentist, glasses, prescriptions, health insurance)		
Repairs/house maintenance (including window cleaning, maintenance contracts)		
Hairdressing/haircuts		
Cable, Satellite and Internet		
TV, video and other appliance rental		
School meals and meals at work		
Pocket money and school trips		
Lottery and Pools etc.		
Hobbies/leisure/sport (include pub outings, etc.)		
Gifts (Christmas Birthday, Charity etc.)		
Vet Bills and Pet Insurance		

All other expenses not covered above	Amount	Frequency

Please use the space provided below to explain any additional household expenses

Notes regarding all other expenses

(bankruptcy ref)



Form 28

Certificate of Deferral of Discharge

Bankruptcy (Scotland) Act 1985 (as amended)
Section 54D(4)(b) and 6(b)

Bankruptcy of (debtor name)

(debtor name)
(debtor address)

("the debtor")

In terms of section 54D of the Bankruptcy (Scotland) Act 1985 (as amended), I defer indefinitely the discharge of the debtor.

Issued by The Accountant in Bankruptcy
(dd/mm/yyyy)

ACCOUNTANT IN BANKRUPTCY
SCOTLAND'S INSOLVENCY SERVICE

Form 29

Moratorium – Notice of Intention to Apply

Bankruptcy (Scotland) Act 1985 (as amended)
Section 4A(1)

I,	Insert full name
	Previous names (if applicable)
	Address
	Town
	Postcode
	Date of birth

give notice, in accordance with section 4A(1) of the Bankruptcy (Scotland) Act 1985 (as amended), of my intention to either:

a. make a debtor application for sequestration under section 5 of the Bankruptcy (Scotland) Act 1985 (as amended); or

b. seek to fulfil the conditions required in order for a trust deed granted by me or on my behalf to be granted the status of protected trust deed; or

c. apply for the approval of a debt payment programme in accordance with section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002 (as amended).

I have not given notice under section 4A(1) of the Bankruptcy (Scotland) Act 1985 in the past 12 months.

I accept that, in accordance with section 4A of the Bankruptcy (Scotland) Act 1985 (as amended), the Accountant in Bankruptcy will enter my name, previous names and address in the public Register of Insolvencies and the public DAS Register.

Signed _____

Print name _____

Date _____

ACCOUNTANT IN BANKRUPTCY
SCOTLAND'S INSOLVENCY SERVICE

Form 30

Moratorium – Notice of Intention to Apply (Trust, Partnership etc.)

Bankruptcy (Scotland) Act 1985 (as amended)
Section 4B(1)

I,	Insert your full name
on behalf of,	Enter name of Entity
	Entity address
	Town
	Postcode

give notice in accordance with section 4B(1) of the Bankruptcy (Scotland) Act 1985 (as amended) of the above entity's intention to make a debtor application for sequestration under section 6 of that Act.

I confirm that notice has not been given under section 4B(1) in respect of the above entity's estate in the past 12 months.

I accept that, in accordance with section 4B of the Bankruptcy (Scotland) Act 1985 (as amended), the Accountant in Bankruptcy will enter my name and the name and address of the above entity in the public Register of Insolvencies.

Signed _____

Print name _____

Date _____

SCHEDULE 2

Regulation 4

REGISTER OF INSOLVENCIES

A. Moratorium

Notice of intention to apply – moratorium on diligence(**a**) (where applicable)

B. Sequestrations

Name of debtor

Debtor's date of birth (where known)

Debtor's residence and any former residence within the past 5 years and principal place of business (if any) at date of sequestration or date of death

Date of death in case of deceased debtor

Occupation of debtor

Whether sequestration awarded by sheriff or by Accountant in Bankruptcy

Date of any order converting protected trust deed to sequestration

Whether sequestration under paragraph 1 of Schedule A1 to the 1985 Act (the Minimal Asset Process ("MAP"))

Name and address of petitioner for sequestration (where applicable)

Court by which sequestration awarded (where applicable)

Date of presentation of petition (where applicable)

Date of first order (where applicable)

Date of award of sequestration

Particulars of petition for recall of sequestration(**b**) (where applicable)

Date of recall of sequestration (where applicable)

Name and address of trustee and date of appointment

Level of debt when trustee's statement of debtor's affairs is produced

Level of assets when trustee's statement of debtor's affairs is produced

Name and address of trustee (or replacement trustee) and date of confirmation of appointment

Particulars of notice of public examination of debtor or relevant person(**c**) (where applicable)

If the MAP ceases to apply

Issue of certificate deferring debtor's discharge indefinitely(**d**) (where applicable)

Particulars of any application for removal of trustee(**e**) and any order removing trustee or declaring office vacant

Date of debtor's discharge and whether on composition or by operation of law

Date of trustee's discharge(**f**) and of any decision to grant or refuse certificate of discharge

---

(**a**) As provided for in section 4A(1) or 4B(1) of the 1985 Act.
(**b**) As provided for in section 16(3) of the 1985 Act.
(**c**) As provided for in section 45(3A) of the 1985 Act.
(**d**) As provided for in section 54D (7) of the 1985 Act.
(**e**) As provided for in section 29(2)(b) of the 1985 Act.
(**f**) As required by section 57(6) of the 1985 Act.

Period of any MAP bankruptcy credit restriction following discharge(**a**)

C. Protected trust deeds for creditors

Name and address of granter of trust deed

Granter's date of birth (where known)

Address of the centre of main interests and all establishments, within the meaning of the Council Regulation (EC) No 1346/2000, of the granter of the trust deed, unless the granter of the trust deed is an undertaking as described in Article 1(2) of the said Council Regulation

Whether the protected trust deed is considered to be main or territorial proceedings within the meaning of the said Council Regulation

The location and nature of any other insolvency proceedings

Name and address of trustee under deed

Date (or dates) of execution of deed

Date on which copy deed and certificate of accession was registered

Date of registration of statement indicating how the estate was realised and distributed and certificate to the effect that the distribution was in accordance with the trust deed

Date of trustee's discharge

Date of registration of copy of order of court that non-acceding creditor is not bound by trustee's discharge

D. Bankruptcy Restrictions Orders, Interim Bankruptcy Restrictions Orders and Bankruptcy Restrictions Undertakings

Name of debtor

Debtor's date of birth (where known)

Date of sequestration

Date of making of bankruptcy restrictions order or interim bankruptcy restrictions order

Date of acceptance of bankruptcy restrictions undertaking

Date of order varying bankruptcy restrictions order or bankruptcy restrictions undertaking (where applicable)

Date of annulment of bankruptcy restrictions order or bankruptcy restrictions undertaking (where applicable)

Date of discharge of bankruptcy restrictions undertaking (where applicable)

Date bankruptcy restrictions order, interim bankruptcy restrictions order or bankruptcy restrictions undertaking ceased to have effect

E. Winding up and receivership of business associations

Company number

Company name

Type of proceedings

Name of office holder(s)

Date of appointment of office holder(s)

Date of winding-up order (for compulsory liquidations)

Court by which company wound up

(**a**) Under section 55A or 55B of the 1985 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact, with modifications, the Bankruptcy (Scotland) Regulations 2008 (S.S.I. 2008/82) except for regulation 8 of those Regulations. They make provision following amendments to the Bankruptcy (Scotland) Act 1985 ("the 1985 Act") by the Bankruptcy and Debt Advice (Scotland) Act 2014 ("the 2014 Act").

Subject to regulation 24 (sequestration before 1st April 2015), these Regulations come into force on 1st April 2015.

Regulation 3 and Schedule 1 provide for the main forms to be used in relation to sequestration.

Regulation 4 makes provision about the register of insolvencies which it is the function of the Accountant in Bankruptcy to maintain (section 1A(1)(b) of the 1985 Act refers).

Regulation 5 makes provision in relation to debtor applications (an application made by a debtor to the Accountant in Bankruptcy for an award of sequestration under the 1985 Act).

Regulation 6 provides for "prescribed payments" of social security benefits as part for the criteria for eligibility for the Minimal Asset Process ("MAP") where the debtor has few assets under section 5(2ZA) of the 1985 Act.

Regulation 7 makes provision in relation to the requirement in section 5(2D) of the 1985 Act for a debtor to be provided with a debt advice and information package prior to presentation of a petition for sequestration by a qualified creditor or qualified creditors of the debtor.

Regulation 8 makes modifications of the 1985 Act in its application to limited partnerships.

Regulation 9 prescribes £1,500 as the amount of debt a creditor must be owed to establish 'apparent insolvency' by an expired statutory demand for payment of debt in terms of section 7(1)(d) of the 1985 Act.

Regulation 10 prescribes the circumstances in which a creditor may state the amount of the creditor's claim in foreign currency for voting purposes at a statutory meeting and submission of claims to a trustee under sections 22 and 48 of the 1985 Act respectively.

Regulation 11 prescribes the manner in which the trustee is required to convert a creditor's claim made in foreign currency for the purposes of proceedings at a statutory meeting and the adjudication of creditors' claims under sections 23 and 49 of the 1985 Act respectively.

Regulation 12 provides for the form of application to be completed by the trustee where the trustee seeks authority to resign office under section 28 of the 1985 Act.

Regulation 13 provides for the form of notice to be given to the debtor under section 32(9A) of the 1985 Act where the trustee has abandoned to the debtor any heritable property included in the debtor's sequestrated estate.

Regulation 14 makes provision for form of debtor contribution orders under section 32A(1)(a) and (b) of the 1985 Act, added by the 2014 Act to replace income payment orders under section 32(2) of the 1985 Act.

Regulation 15 provides for the form of notice to be given to the local authority by the trustee or a trustee under a trust deed before proceedings are commenced for authority to sell or dispose of any right or interest in the debtor's family home under section 40 of the 1985 Act.

Regulation 16 provides for the form of a debtor's current state of affairs to be given under section 43A of the 1985 Act.

Regulation 17 provides for the courses of financial education which a debtor may be required to undertake by the trustee under section 43B(1) of the 1985 Act.

Regulation 18 prescribes 8% per annum as the rate of interest to be paid on the preferred debts and the ordinary debts between the date of sequestration and the date of payment of the debt for the purposes of section 51 of the 1985 Act (order of priority in distribution of the debtor's estate).

Regulation 19 provides for the form of certificate under section 54D(4)(b) or (6)(b) deferring indefinitely the discharge of the debtor.

Regulation 20 provides that the premium of any bond of caution or other security given by an insolvency practitioner in relation to acting as interim trustee or trustee may be taken into account as part of the insolvency practitioner's outlays in the sequestration.

Regulation 21 restates the prescription of £800 as the maximum amount which may be claimed as a preferred debt by an employee by way of remuneration or by a person under the Reserve Forces (Safeguard of Employment) Act 1985 (paragraphs 5 and 6 of Schedule 3 to the 1985 Act refer). In restating the law on reserved matters by virtue of paragraph 7 of Schedule 4 to the Scotland Act 1998 (c.46) the law as restated remains reserved law.

Regulation 22 provides for forms of notice to be given by a person for the purposes of sections 4A and 4B of the 1985 Act to trigger the moratorium on diligence having effect under sections 4C and 4D of the 1985 Act.

Regulation 23 revokes the relevant parts of S.S.I. 2008/82 and amending instruments, subject to regulation 24. These Regulations do not except as provided for in regulation 24 apply to sequestrations where the creditor petition for sequestration was presented before 1st April 2015 or the debtor application for sequestration was received by the Accountant in Bankruptcy before that date.

A Business and Regulatory Impact Assessment has been prepared for these Regulations. Copies can be obtained from the Accountant in Bankruptcy's website: http://www.aib.gov.uk.

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