



Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

Application for sequestration

12 Concurrent proceedings for sequestration: recall

In section 10A of the 1985 Act (powers in relation to concurrent proceedings for sequestration or analogous remedy), after subsection (3) insert—

“(3A) The Accountant in Bankruptcy must grant a recall of an award of sequestration if—

- (a) sequestration has been awarded by virtue of a debtor application, and
- (b) the sheriff directs the Accountant in Bankruptcy to dismiss the debtor application.

(3B) The effect of the recall of an award of sequestration is, so far as practicable, to restore the debtor and any other person affected by the sequestration to the position the debtor or, as the case may be, the other person would have been in if the sequestration had not been awarded.

(3C) A recall of an award of sequestration does not—

- (a) affect the interruption of prescription caused by—
 - (i) the presentation of the petition for sequestration,
 - (ii) the making of the debtor application, or
 - (iii) the submission of a claim under section 22 or 48,
- (b) invalidate any transaction entered into before such recall by the interim trustee, or by the trustee, with a person acting in good faith, or
- (c) affect a bankruptcy restrictions order which has not been annulled under section 56J(1)(a).

(3D) Without delay after granting a recall of an award of sequestration under subsection (3A), the Accountant in Bankruptcy must send a certified copy of the decision to the Keeper of the Register of Inhibitions for recording in that register.”.