



# Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

## *Functions of sheriff and Accountant in Bankruptcy in sequestration*

### **34 Conversion of protected trust deed into sequestration**

- (1) The title of section 59A of the 1985 Act becomes “**Application for conversion to sequestration**”.
- (2) In section 59A of the 1985 Act—
  - (a) in subsection (1)—
    - (i) for “petition the sheriff” substitute “apply to the Accountant in Bankruptcy”, and
    - (ii) for “lodged in court in support of the petition” substitute “submitted to the Accountant in Bankruptcy in support of the application”, and
  - (b) in subsection (2), for “petition” substitute “application”.
- (3) In section 59B(1)(c) of the 1985 Act (contents of the affidavit), for “sheriff”, in both places where it occurs, substitute “Accountant in Bankruptcy”.
- (4) The title of section 59C of the 1985 Act becomes “**Power of Accountant in Bankruptcy**”.
- (5) In section 59C of the 1985 Act—
  - (a) for subsection (1), substitute—

“(1) The Accountant in Bankruptcy may, after considering an application for conversion of a protected trust deed into a sequestration, make such order as the Accountant in Bankruptcy thinks fit.”, and
  - (b) in subsections (2), (2A) and (3), for “sheriff”, in each place where it occurs, substitute “Accountant in Bankruptcy”.