



# Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

## *Review of decisions made by Accountant in Bankruptcy*

### **39 Review of decision not to award sequestration**

In section 15 of the 1985 Act (further provisions relating to award of sequestration), for subsection (3A) substitute—

- “(3A) If, following a debtor application, the Accountant in Bankruptcy refuses to award sequestration, the debtor or a creditor concurring in the application may apply to the Accountant in Bankruptcy for a review of the refusal.
- (3B) An application under subsection (3A) must be made before the expiry of the period of 14 days beginning with the day on which the Accountant in Bankruptcy refuses to award sequestration.
- (3C) If an application under subsection (3A) is made, the Accountant in Bankruptcy must—
- (a) take into account any representations made by an interested person before the expiry of the period of 21 days beginning with the day on which the application is made, and
  - (b) confirm the refusal or award sequestration before the expiry of the period of 28 days beginning with the day on which the application is made.
- (3D) If the Accountant in Bankruptcy confirms the refusal to award sequestration under subsection (3C)(b), the debtor or a creditor concurring in the application may, before the expiry of the period of 14 days beginning with the day of that confirmation, appeal to the sheriff.”