



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 13

#### BANKRUPTCY RESTRICTIONS ORDERS AND INTERIM BANKRUPTCY RESTRICTIONS ORDERS

##### *Bankruptcy restrictions orders*

#### **159 Duration of bankruptcy restrictions order and application for revocation or variation**

- (1) A bankruptcy restrictions order—
  - (a) comes into force when made, and
  - (b) ceases to have effect at the end of a day specified, for the purposes of this paragraph, in the order.
- (2) The day specified under subsection (1)(b)—
  - (a) in the case of an order made by AiB—
    - (i) must not be before the expiry of 2 years beginning with the day on which the order is made, but
    - (ii) must be within 5 years beginning with that day, and
  - (b) in the case of an order made by the sheriff—
    - (i) must not be before the expiry of the 5 years beginning with the day on which the order is made, but
    - (ii) must be within 15 years beginning with that day.
- (3) On an application by the debtor, the person mentioned in subsection (4) may—
  - (a) revoke a bankruptcy restrictions order, or
  - (b) vary it.
- (4) The person is, in the case of a bankruptcy restrictions order —
  - (a) made by AiB, AiB, and
  - (b) made by the sheriff, the sheriff.
- (5) If an application under subsection (3) is made to AiB, AiB must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) take into account any representations made, within 21 days beginning with the day on which the application is made, by an interested person, and
  - (b) confirm, revoke or vary the order within 28 days beginning with that day.
- (6) The debtor may appeal to the sheriff against any decision of AiB under subsection (5)
  - (b) within 14 days beginning with the date of the decision.
- (7) The sheriff may—
  - (a) in determining such an appeal, or
  - (b) otherwise on an application by AiB,make an order providing that the debtor may not make another application under subsection (3) for such period as may be specified in the order.
- (8) Variation under subsection (3)(b) may include providing for such an order to cease to have effect at the end of a day earlier than that specified under subsection (1)(b).