



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 13

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

##### *Interim bankruptcy restrictions orders*

#### **160 Interim bankruptcy restrictions orders**

- (1) Subsection (2) applies at any time—
  - (a) after AiB notifies the debtor under section 155(2) that AiB proposes to make a bankruptcy restrictions order, and
  - (b) before AiB decides whether to make the order.
- (2) AiB may make an interim bankruptcy restrictions order if AiB thinks—
  - (a) that there are *prima facie* grounds to suggest that a bankruptcy restrictions order will be made, and
  - (b) that it is in the public interest to make such an order.
- (3) Subsection (4) applies at any time between—
  - (a) the making of an application to the sheriff for a bankruptcy restrictions order, and
  - (b) the determination of that application.
- (4) The sheriff may, on the application of AiB, make an interim bankruptcy restrictions order if the sheriff thinks—
  - (a) that there are *prima facie* grounds to suggest that the application for the bankruptcy restrictions order will be successful, and
  - (b) that it is in the public interest to make an interim bankruptcy restrictions order.
- (5) An interim bankruptcy restrictions order—
  - (a) has the same effect as a bankruptcy restrictions order, and
  - (b) comes into force on being made.
- (6) An interim bankruptcy restrictions order ceases to have effect—

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**Changes to legislation:** *Bankruptcy (Scotland) Act 2016, Section 160 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) where it was made by AiB, on AiB deciding whether or not to make a bankruptcy restrictions order,
  - (b) where it was made by the sheriff, on the determination of the application for the bankruptcy restrictions order, or
  - (c) if the sheriff discharges it on the application of AiB or of the debtor.
- (7) Where a bankruptcy restrictions order is made in respect of a debtor who is subject to an interim bankruptcy restrictions order, subsection (2) of section 159 has effect in relation to the bankruptcy restrictions order as if the reference in that subsection to the day the order is made were a reference to the day the interim bankruptcy restrictions order is made.

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**Commencement Information**

**II**    [S. 160](#) in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)