



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 14

#### VOLUNTARY TRUST DEEDS FOR CREDITORS

##### *Effect of protected status etc.*

#### **177 Sequestration petition by qualified creditor**

- (1) A qualified creditor who is not a notified creditor or who has notified the trustee of objection to the trust deed within the relevant period may—
  - (a) not later than 5 weeks after the date of registration under section 169 of the notice mentioned in that section, or
  - (b) at any time if the creditor avers that the provision for distribution of the estate is, or is likely to be, unduly prejudicial to a creditor or class of creditors, present a petition to the sheriff for sequestration of the debtor's estate.
- (2) Subsection (1)(b) is subject to section 13(2)(a).
- (3) The sheriff may award sequestration in pursuance of—
  - (a) subsection (1)(a), only if satisfied that to do so would be in the best interests of the creditors, and
  - (b) subsection (1)(b), only if satisfied that the creditor's averment is correct.

#### **Commencement Information**

**II** S. 177 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

**Changes to legislation:**

Bankruptcy (Scotland) Act 2016, Section 177 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.

[View outstanding changes](#)

**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\(2\)\(b\)](#)