



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.