



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 17

MISCELLANEOUS

212 Power of Accountant in Bankruptcy to cure defects in procedure

- (1) AiB may make an order—
 - (a) correcting a clerical or incidental error in a document required by or under this Act, or
 - (b) waiving a failure—
 - (i) to comply with a time limit specified by or under this Act, and
 - (ii) for which no provision is made by or under this Act.
- (2) An order under subsection (1) may be made—
 - (a) on the application of any person having an interest, or
 - (b) without an application if AiB proposes to correct or waive a matter mentioned in that subsection.
- (3) The applicant must notify all interested persons where an application is made under subsection (2)(a).
- (4) AiB must notify all interested persons where AiB proposes to make an order by virtue of subsection (2)(b).
- (5) A notice under subsection (3) or (4) must inform the recipient that the recipient has a right to make representations to AiB in relation to the application or the proposed order within 14 days beginning with the day on which the notice is given.
- (6) Before making an order under subsection (1), AiB must take into account any representations made by an interested person.
- (7) An order under subsection (1) may—
 - (a) so far as practicable, restore any person prejudiced by the error or failure to the position that person would have been in but for the error or failure, and
 - (b) impose such conditions, including conditions as to expenses, as AiB thinks fit.

Status: This is the original version (as it was originally enacted).

- (8) After making an order under subsection (1) which affects a matter recorded in the Register of Inhibitions, AiB must without delay send a certified copy of the order to the keeper of that register for recording in that register.