



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 2

#### SEQUESTRATION: AWARD AND RECALL

##### *Recall of sequestration*

#### **37 Recall of sequestration by Accountant in Bankruptcy: review and appeal**

- (1) A person mentioned in subsection (2) may apply to AiB for a review of—
  - (a) a decision of AiB under section 34(1) or 35(6) to recall, or refuse to recall, an award of sequestration, or
  - (b) a determination of AiB under section 33(4).
- (2) The persons are—
  - (a) the debtor,
  - (b) any creditor,
  - (c) the trustee, and
  - (d) any other person having an interest.
- (3) Any application under subsection (1) must be made within 14 days beginning with the day on which the decision or, as the case may be, the determination or requirement is made.
- (4) If an application under subsection (1) is made, AiB must—
  - (a) take into account any representations made by an interested person within 21 days beginning with the day on which the application is made, and
  - (b) confirm, amend or revoke the decision, determination or requirement within 28 days beginning with that date.
- (5) A person mentioned in subsection (2) may, within 14 days beginning with the day on which the decision, determination or requirement is made, appeal to the sheriff against—
  - (a) a determination of AiB under section 33(3) or 35(5)(b), or
  - (b) a decision of AiB under subsection (4)(b).

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*Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 37 is up to date with all changes known to be in force on or before 18 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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- (6) Any decision of the sheriff on an appeal relating to a determination of AiB under section 33(3) or 35(5)(b) is final.

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**Commencement Information**

**II** S. 37 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

**Changes to legislation:**

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[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\(2\)\(b\)](#)