



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*Status: This is the original version (as it was originally enacted).*

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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.