



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 2

SEQUESTRATION: AWARD AND RECALL

Recall of sequestration

38 Effect of recall of sequestration

- (1) The effect of the recall of an award of sequestration is, so far as practicable, to restore the debtor and any other person affected by the sequestration to the position the debtor, or, as the case may be, the other person, would have been in if the sequestration had not been awarded.
- (2) But subsection (1) is subject to subsection (3).
- (3) A recall of an award of sequestration is not to—
 - (a) affect the interruption of prescription caused by—
 - (i) the presentation of the petition for sequestration,
 - (ii) the making of the debtor application, or
 - (iii) the submission of a claim under section 46 or 122,
 - (b) invalidate any transaction entered into before such recall by the interim trustee, or by the trustee in the sequestration, with a person acting in good faith, or
 - (c) affect a bankruptcy restrictions order which has not been revoked under section 161(1)(a).