

## SCHEDULE

### SHERIFF COURT BANKRUPTCY RULES

#### **Approved debt payment programmes**

**12.**—(1) Where a creditor is petitioning for the sequestration of a debtor, the creditor, at the lodging of the petition, shall satisfy himself that at that date—

- (a) the debtor is not subject to an approved debt payment programme; or
- (b) if there is an approved debt payment programme in force, the creditor is entitled to the remedy sought because the debt being founded on is not one covered by section 4(5) of the Debt Arrangement and Attachment (Scotland) Act 2002<sup>(1)</sup>.

(2) Having satisfied himself as referred to in paragraph (1), the creditor shall lodge a statement in the court to the effect that he has so satisfied himself; and the sheriff may not award sequestration in respect of such petition unless—

- (a) such a statement has been lodged; or
- (b) the court is otherwise satisfied that, as of the date of the award of sequestration—
  - (i) there is no such approved debt payment programme in force; or
  - (ii) there is a debt payment programme in force but the creditor is entitled to the remedy sought because the debt being founded on is not one covered by section 4(5) of the Debt Arrangement and Attachment (Scotland) Act 2002.

(3) The statement referred to in paragraph (2) shall be in Form 12.

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<sup>(1)</sup> 2002 asp 17.