

SCHEDULE

Paragraph 3(10)

Form 5C

Rule 5(1A)

Form of referral for a direction from the sheriff under the Bankruptcy (Scotland) Act 1985

SHERIFFDOM OF

AT

Court Reference No

REFERRAL by the Accountant in Bankruptcy

for a direction under *(insert provision of the Bankruptcy (Scotland) Act 1985 under which a direction is sought)*

in the sequestration of *(insert full name and address of debtor)*

The Accountant in Bankruptcy requests the sheriff to give a direction on *(state the nature of the direction sought)*.

STATEMENT OF FACTS

*(here set out, in numbered paragraphs, the facts relevant to the matter on which the direction is sought)*

Date *(insert date)*

Signed *(signature of Accountant in Bankruptcy or person authorised by him)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 5D

Rule 5(1B)

Form of remit to the sheriff under the Bankruptcy (Scotland) Act 1985

SHERIFFDOM OF

AT

Court Reference No

REMIT by the Accountant in Bankruptcy

to the sheriff under *(insert provision of the Bankruptcy (Scotland) Act 1985 under which remit is made)*

in the sequestration of *(insert full name and address of debtor)*

The Accountant in Bankruptcy remits the application [*or case*] to the sheriff, as set out below.

### STATEMENT OF FACTS

*(here set out, in numbered paragraphs, the facts relevant to the application/case which is being remitted)*

Date *(insert date)*

Signed *(signature of Accountant in Bankruptcy or person authorised by him)*

## Form 12

### Rule 12(1)

*Form of statement to be lodged by creditor in petitioning for sequestration*

The petitioner states that, at the date of lodging this petition, the petitioner has checked the Register of Insolvencies and the DAS Register and is satisfied that the debtor whose sequestration is craved has not given notice to the Accountant in Bankruptcy in accordance with section 4A(1) of the Act of 1985.

The petitioner further states that at that date of lodging this petition, the petitioner has checked the DAS Register and is satisfied that—

- (a) the debtor whose sequestration is craved is not subject to an approved debt payment programme; or
- (b) there is a debt payment programme in force but the petitioner 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.

*(delete (a) or (b) as appropriate)*