
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 80

**The Bankruptcy (Miscellaneous
Amendments) (Scotland) Regulations 2015**

Amendment of the Bankruptcy (Applications and Decisions) (Scotland) Regulations 2014

3.—(1) The Bankruptcy (Applications and Decisions) (Scotland) Regulations 2014(1) are amended in accordance with this regulation.

(2) After regulation 2 insert—

“Dispensing power

2A. The Accountant may relieve any person from the consequences of any failure to comply with a provision of these Regulations that is shown to be due to mistake, oversight or other reasonable cause.”.

(3) In regulations 3(1) and 5(1), for “Form” substitute “form”.

(4) In regulation 4(1)(h), for “bankruptcy” substitute “Bankruptcy”.

(5) In regulation 5(2)(a)(iii) (procedure for first instance applications to AiB), for “able to review or appeal” substitute “able to seek review of or to appeal”.

(6) In regulation 19 (reference to the sheriff: time limits)—

(a) for “refer or remit a matter to the sheriff” substitute “refer or remit a matter to the court”;

(b) in paragraph (a)—

(i) for “the sheriff” the first time it occurs substitute “the court”;

(ii) for “the sheriff” the second time it occurs substitute “that court”; and

(c) in paragraph (b) for “sheriff’s (or the court’s) disposal” substitute “court’s disposal”,

and in the title of Part 4 (Reference to sheriff and review by Accountant in Bankruptcy) and the heading to regulation 19, for “sheriff” substitute “court”.

(7) After regulation 21, insert—

“Review proceedings: persons assisting the Accountant in Bankruptcy

21A.—(1) In relation to a review application the Accountant may take account of the views of any independent person whom the Accountant appoints for that purpose.

(2) The Accountant may disclose information held about review applications to persons appointed under paragraph (1) to be used only for the purpose specified in that paragraph.”.

(8) In the Schedule—

(a) for Form 4 (report of statutory meeting appointing replacement trustee) substitute the Form 4 set out in Schedule 2 to these Regulations;

(b) in Form 5 (grant of removal of trustee), for “may” substitute “must”; and

Status: This is the original version (as it was originally made).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

- (c) in Form 6 (conversion of protected trust deed into bankruptcy: section 59A application)—
 - (i) in the third box below “Trustee Address:”, insert—
 - “I consent to my appointment as Trustee
Signature of Trustee _____ Date _____”;
 - and
 - (ii) for “EC Regulation of earlier proceedings” substitute “EC Regulation (conversion of earlier proceedings)”.