
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 295

**The Bankruptcy (Applications and
Decisions) (Scotland) Regulations 2016**

PART 4

Reference to court and review by Accountant in Bankruptcy

Review applications

21.—(1) An application for a review by AiB under the following provisions of the Act must be made in writing in Form 3—

- (a) section 27(5) (refusal of sequestration on debtor application);
 - (b) section 37(1) (recall: only ground that debtor has paid or is able to pay debts in full);
 - (c) section 39(5) (interim preservation);
 - (d) section 52(4) (power of direction of trustee);
 - (e) section 57(5) (interim trustee termination);
 - (f) section 59(1) (Accountant in Bankruptcy interim trustee termination);
 - (g) section 61(5) (appointment of replacement trustee);
 - (h) section 64(5) (Accountant in Bankruptcy to account for intromissions);
 - (i) section 65(4) (discharge of original trustee);
 - (j) section 68(1) (trustee replacement in more than one sequestration);
 - (k) section 71(1) (removal of trustee);
 - (l) section 73(2) (removal - declaring vacancy);
 - (m) section 92(1) (debtor contribution order);
 - (n) section 97(1) (variation and payment break);
 - (o) section 110(5) (contractual powers of trustee);
 - (p) section 127(1) (adjudication of claims);
 - (q) section 139(1) (discharge);
 - (r) section 144(1) (discharge – subsequent contact);
 - (s) section 149(1) (discharge of trustee);
 - (t) section 151(4) (Accountant in Bankruptcy discharge as trustee);
 - (u) section 161(5) (refusal to revoke bankruptcy restrictions order);
 - (v) section 213(1) (curing defects); and
 - (w) paragraph 3(6) of schedule 2 (valuing contingent debts).
- (2) A review application must specify—
- (a) the decision to be reviewed and its date;

- (b) the change sought to the decision; and
 - (c) the reasons for seeking that change.
- (3) When a review application is made to AiB, AiB must—
- (a) without delay send a copy to any person specified in the provision of the Act which provides for the review as a person to be notified, able to make representations or appeal against the review decision; and
 - (b) advise those persons that they have the period of 21 days beginning with the date specified in the Act to make representations to AiB.
- (4) Those representations must be made in writing by any means by which an application may be made (see regulation 4(1)).
- (5) On making a review decision under the relevant provision of the Act, AiB must notify the persons mentioned in paragraph (3)(a) of AiB's decision.
- (6) Paragraphs (3) to (5) do not apply to the extent that equivalent provision is made in the Act.