
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 313

Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016

CHAPTER 7

APPLICATIONS ETC. UNDER THE BANKRUPTCY (SCOTLAND) ACT 2016

Form of applications

7.1.—(1) An application under the 2016 Act is to be made in Form 7.1–A unless these Rules provide otherwise.

(2) An application by AiB for a direction under the following provisions of the 2016 Act is to be in Form 7.1–B—

- (a) section 50(6) (AiB application for directions);
- (b) section 52(3) (referral of trustee application for direction);
- (c) section 68(5) (replacement of trustee acting in more than one sequestration);
- (d) section 71(7) (removal of trustee other than where unable to act etc.);
- (e) section 73(6) (removal of trustee where unable to act etc.);
- (f) section 110(8) (contractual powers of trustee);
- (g) paragraph 3(10) of schedule 2 (debts depending on contingency).

Form of remit by AiB

7.2. A remit by AiB under section 36(1) or (2) of the 2016 Act is to be made in Form 7.2.

Applications and remits relating to AiB sequestration

7.3.—(1) This rule applies where an application or a remit relates to an AiB sequestration.

(2) When the application or remit is lodged, the applicant must also lodge a copy of the debtor application.

Determination of applications and remits

7.4.—(1) When an application or a remit is lodged, the sheriff is to make—

- (a) an order for intimation to any person who appears to the sheriff to have an interest in it;
- (b) an order specifying how it is to be determined.

(2) A certificate of intimation in Form 5.7 must be lodged within 14 days after the date of intimation by—

- (a) in the case of an application, the applicant;
- (b) in the case of a remit, AiB.

(3) Without prejudice to the generality of paragraph (1), where—

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- (a) an application, or a remitted application, is unopposed, the sheriff is to dispose of it in chambers without the appearance of parties, unless the sheriff otherwise determines;
 - (b) the sheriff requires to hear parties on an application or remit, the sheriff clerk is to fix a hearing and intimate the date and time of the hearing to the parties.
- (4) Where an order is granted disposing of an application or a remit in accordance with paragraph (3)(a), the sheriff clerk is to intimate the order to the parties.

Form of report by original trustee

7.5. A report to the sheriff by the original trustee under section 49(8) or (9) of the 2016 Act is to be in Form 7.5.