
 STATUTORY INSTRUMENTS

1986 No. 514 (S. 48)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 1)
(Bankruptcy Forms) 1986

Made - - - - 11th March 1986

Coming into Operation 1st April 1986

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 16 of the Administration of Justice (Scotland) Act 1933(a), sections 1, 14, 62 of, and paragraphs 2(1) and (2) of Schedule 5 to, the Bankruptcy (Scotland) Act 1985(b), and of all other powers enabling them in that behalf, do hereby enact and declare—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 1) (Bankruptcy Forms) 1986 and shall come into operation on 1st April 1986.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of rules of court

Bankruptcy forms and related matters

2. In the Rules of the Court of Session (c), in Chapter IV (Petitions)—

- (a) in rule 189(a)(vii) (Outer House petitions), for the word “1913” substitute the word “1985”;
- (b) in rule 193 (Signature of petitions) for the words from “1913” to “thereof” substitute the word “1985”;
- (c) in Section 2 (Judicial Factors), in the cross heading, for the word “1913” substitute the word “1985”;
- (d) in rule 201—
 - (i) in the heading, for the words “under the Bankruptcy (Scotland) Act 1913” substitute the words “on estate of deceased person”;
 - (ii) in the preamble, for the words from “In” to “1913” substitute the words “This rule applies to judicial factors appointed under section 11A of the Judicial Factors (Scotland) Act 1889”;
 - (iii) in paragraph (a), for the words “section 163 of the said statute” substitute the words “the said section”;

(e) after rule 201, insert the following rules:—

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- (a) 1933 c.41.
 - (b) 1985 c.66.
 - (c) S.I. 1965/321.

“201A. Forms prescribed under the Bankruptcy (Scotland) Act 1985

(1) The register of insolvencies kept by the Accountant in Bankruptcy under section 1(1)(c) of the said Act of 1985 shall be in the form set out in Form 34A of the Appendix.

(2) The memorandum to be sent by a permanent trustee to the keeper of the register of inhibitions and adjudications under section 14(4) of that Act shall be in the form set out in Form 34B of the Appendix.

(3) A notice by a trustee under a trust deed for creditors to be recorded in the register of inhibitions and adjudications under paragraph 2(1) of Schedule 5 to that Act shall be in the form set out in Form 34C of the Appendix.

(4) A notice under paragraph 2(2) of the said Schedule 5 recalling a notice referred to in paragraph (3) shall be in the form set out in Form 34D of the Appendix.

201B Sederunt Book held by Accountant in Bankruptcy under section 62 of the Bankruptcy (Scotland) Act 1985

The Accountant in Bankruptcy shall hold the Sederunt Book for a period of at least 6 months from the date he receives it from the permanent trustee, and shall make it available for inspection during such reasonable office hours and may allow such extracts to be made of entries in the Sederunt Book by such persons as he thinks fit.”.

3. In the Rules of the Court of Session, in the Appendix (Forms)—

- (a) in Form 29, in the heading and in paragraph 6, for the words from “163” to “1913” substitute the words “11A of the Judicial Factors (Scotland) Act 1889”;
- (b) in Forms 31 and 32, for the words from “the Act” to “163” substitute the words “section 11A of the Judicial Factors (Scotland) Act 1889”;
- (c) after Form 34, insert Forms 34A to 34D as set out in the Schedule to this Act of Sederunt.

Saving

4. Nothing in this Act of Sederunt affects the application of rule 201 to petitions brought under section 163 of the Bankruptcy (Scotland) Act 1913 before this Act of Sederunt came into operation.

Emslie,
Lord President,
I.P.D.

Edinburgh.
11th March 1986.

SCHEDULE 1

Form 34A

rule 201A(1)

Form of register of insolvencies**A. Sequestrations**

Name of debtor	
Debtor's residence and his principal place of business (if any) at date of sequestration or date of death	
Date of death in case of deceased debtor	
Occupation of debtor	
Name and address of petitioner for sequestration	
Court by which sequestration awarded	
Sheriff court to which sequestration remitted (where applicable)	
Date of first order	
Date of award of sequestration	
Date of recall of sequestration (where applicable)	
Name and address of interim trustee and date of appointment	
Name and address of permanent trustee and date of confirmation of appointment	
Date of debtor's discharge and whether on composition or by operation of law	
Date of interim trustee's discharge	
Date of permanent trustee's discharge	

B. Protected Trust Deeds for Creditors

Name and address of granter of trust deed	
Name and address of trustee under the deed	
Date (or dates) of execution of deed	
Date on which copy deed and certificate of accession were registered	
Date of registration of statement indicating how the estate was realised and distributed and certificate to the effect that the distribution was in accordance with the trust deed	
Date of trustee's discharge	
Date of registration of copy of order of court that non acceding creditor is not bound by trustee's discharge	

FORM 34B

rule 201A(2)

**Form of memorandum by permanent trustee to be recorded in the register of
inhibitions and adjudications under section 14(4) of the Bankruptcy (Scotland)
Act 1985**

From: A.B. (*name and address*) trustee in the sequestration of
C.D. (*name and address*)

To: Keeper of the register of inhibitions and adjudications

A certified copy of the order of the court awarding sequestration on (*date*) in respect
of C.D. is recorded in your Register on (*date*).

Record this memorandum to renew the effect of that recording for a further period
of 3 years.

(*Date*)

(*Signed*) A.B. [*or to EF., solicitor for A.B.*]

FORM 34C

rule 201A(3)

**Form of notice of inhibition by trustee under trust deed to be recorded in the register
of inhibitions and adjudications under paragraph 2(1) of Schedule 5 to the
Bankruptcy (Scotland) Act 1985**

A trust deed within the meaning of the Bankruptcy (Scotland) Act 1985 has been granted by C.D. (*name and address*) and delivered to A.B. (*name and address*) as trustee acting under the trust deed.

Under the trust deed the estate of C.D. has been conveyed to A.B. as trustee for the benefit of the creditors generally of C.D.

(Date)

(Signed) A.B. [*or* E.F., solicitor for A.B.]

FORM 34D

rule 201A(4)

**Form of notice of recall of inhibition under paragraph 2(2) of Schedule 5 to the
Bankruptcy (Scotland) Act 1985 to be recorded in the register of inhibitions and
adjudications**

The notice by A.B. (*name and address*) as trustee under the trust deed for creditors of
C.D. (*name and address*) recorded on (*date*) is now recalled.

(*Date*)

(*Signed*) A.B. [*or* E.F., solicitor for A.B.]

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends the rules of the Court of Session to make
provision for new forms under the Bankruptcy (Scotland) Act 1985.

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