

*These notes relate to the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11) which received Royal Assent on 29 April 2014*

# **BANKRUPTCY AND DEBT ADVICE (SCOTLAND) ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Review of decisions made by Accountant in Bankruptcy***

##### ***Section 41 – Review of decisions about adjudication of creditor’s claims***

92. This section modifies section 49 of the 1985 Act (‘adjudication of claims’). Under section 49, where AiB is the trustee, then AiB will consider creditors’ claims, on the basis of the information provided, and make an adjudication about the amount of debt which is due to each creditor, either agreeing each claim in whole or in part or rejecting it if they do not consider that it is valid. This section makes provision for creditors and debtors to apply to AiB for a review of its decision as trustee regarding its adjudication of creditors’ claims under section 49(1) or (2). Section 49(6E) provides that only a debtor with a pecuniary interest in the outcome can appeal.