

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Application for sequestration

Section 11 – Sequestration: application by executor

27. This section amends sections 5, 6B, 8A and 12 of the 1985 Act to remove from the Sheriff Court the process whereby an executor of a debtor's estate, aware that the debtor was insolvent, would petition the Court to make the deceased debtor's estate bankrupt. It transfers that process to AiB, with the effect that the process will be altered to a debtor application to AiB.
28. A new subsection 8A(2B) clarifies that the period of time by the end of which the executor will become liable for the deceased debtor's debts, should be 12 months from the day on which the executor knew or ought to have known that the estate was absolutely insolvent and likely to remain so.