

*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**

#### ***Application for sequestration***

#### ***Section 13 – Debtor’s bank account***

30. **Section 13** provides for when the trustee knows, or becomes aware, of any estate vested in the trustee which comprises funds held by a bank, defined as an “appropriate bank or institution” (i.e. the banks or institutions defined in section 73 of the 1985 Act as able to take deposits for certain purposes under the 1985 Act). The trustee must serve a notice on the appropriate bank or institution and provide sufficient information to them to identify the debtor and the funds held, e.g. the relevant account/s. The effect is to inform the bank or institution of the sequestration, which may be relevant to the effect on the bank or institution of section 32(6) and (8) of the 1985 Act respectively on vesting the debtor’s property in the debtor’s trustee and questions over dealings of or with the debtor. The trustee is not however entitled to a remedy against transactions made on relevant funds in those accounts before receipt of the notice.